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HAZARDOUS MATERIALS ADVISORY COMMITTEE

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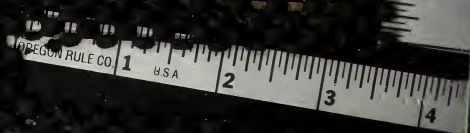
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HAZARDOUS MATERIALS ADVISORY COMMITTEE

ANNUAL REPORT

1988 - 1989

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I. EXECUTIVE SUMMARY

Department of Public Health (DPH) staff continued to develop procedures and programs while working with limited personnel and facilities to implement the Hazardous Materials Permit and Disclosure Ordinance (HMPDO). The Hazardous Materials Advisory Committee (hereafter referred to as the Committee) applauds the hard work of the staff and their progress.

During the year the Committee continued to monitor the implementation of the Hazardous Materials Permit and Disclosure Ordinance and to oversee progress in the following related areas:

PERMITS FOR ABOVE GROUND STORAGE OF HAZARDOUS MATERIALS

Staff retention problems continue but during the year the Hazardous Materials Permit Program (HMPP) staff reached their authorized level and the permitting process for private business accelerated. A total of 176 businesses were permitted during the year bringing to the total number of businesses operating with a permit to 400. A total of 10,000 operations may need permits and many businesses still must be aggressively pursued to initiate and complete the process. At the present time, permit applications and fees provide 32.2% of the HMPP budget.

Out of 54 City Departments, there are eleven departments that use and store most of the hazardous materials purchased in this city. These eleven departments occupy 481 facilities within San Francisco. All 481 facilities will require inspections; approximately 50% of these facilities will require permits. As of July 31, 1989, only two (2) City permit sites had completed HMPDO requirements. One permit has been issued and one permit is being processed. An analysis of City hazardous material users indicates that the staff within the city facilities have laid the ground work for obtaining permits, but substantial work is needed, especially in the areas of accident prevention and emergency preparedness in order to comply with the HMPDO.

Based on recent experience and current staffing, the HMPDO Work Plan projects that all businesses storing hazardous materials will be properly permitted within the next five years, and that City agencies requiring permits will also complete the process in five years. This estimate does not include the laboratories and facilities at UCSF and SFSU which began the permitting process this year. Permitting these facilities will add more than a year to the timetable.

RECOMMENDATIONS

- Pursue permitting of all City agency sites through supplemental budget appropriations needed to essentially complete the process during the coming year.
- Shorten the time required to complete the permit process by increasing authorized staff to accomplish this goal.

UNDERGROUND TANK PROGRAM

The underground tank portion of the HMPP has been well underway for several years. It is designed to provide inspection and guidance for the detection, repair and removal of leaking tanks. Inspection continues for privately owned tanks and is almost complete for the City owned tanks.

EMERGENCY RESPONSE

During the year HMPP staff responded to eight (8) emergencies and other DPH staff responded to about forty (40) other calls.

STANDARD PRODUCTS TABLE

The computer system of organizing hazardous material inventory data into a Standard Product Table (SPT), is essential for emergency response. The Standard Product Table will also help the City protect its workers, reduce the use of hazardous material and limit the generation of hazardous wastes. This will save the City millions of dollars. The table is progressing, utilizing temporary help and staff.

RECOMMENDATION

- Seek funding for Department of Public Health (DPH) to complete the Standard Product Table in a timely fashion.

COMMUNITY OUTREACH AND EDUCATION

The education and outreach portion of the program was minimal because of a delay in selection of a new contractor.

RECOMMENDATION

- Give high priority to creating a strong outreach program and increase community awareness during the coming year to promote the benefits of the HMPP.

HOUSEHOLD/SMALL GENERATOR PROGRAM AND TANNER PLAN

Increasing amounts of household hazardous waste generated by residents was legally deposited at Sanitary Fill's Household Hazardous Waste Collection Facility, reducing the amount of illegal disposals of hazardous waste. However, this facility only has a variance to handle household waste, and currently is not authorized to accept hazardous waste from small businesses because of State law. Small businesses have no economical, legal methods of disposing of small quantities of hazardous waste in San Francisco. As a result of the recent draft Hazardous Waste Management Plan (Tanner Plan), the City was proposing to expand Sanitary Fill's Household Collection Facility to serve as a Storage Treatment Station for wastes generated by small businesses. Due to community concerns this proposal is being reviewed.

RECOMMENDATION

- Implement without delay waste minimization and source reduction programs, with City Departments taking the lead and publicizing their efforts.
- Address the problem of hazardous waste generation through solutions which may include a Storage Treatment Transfer Facility, but only after adequate community involvement in any proposal. A strong community outreach and education program must be in place throughout the process.
- Utilize the HMAC as the link to the public in reducing the hazardous waste stream now being generated.

BIO-REMEDIATION PROJECTS

HMPP staff performed bio-remediation of diesel contaminated soils from City properties at substantial savings to the City.

SUMMARY OF RECOMMENDATIONS

- The City should aggressively pursue permitting of all City agencies, and departmental budget constraints should be overcome through supplemental appropriations to support virtual completion of the City agency permitting process during fiscal 1989-90. City permitting of sites will generate substantial savings to the City by preventing spills, reducing worker accidents, and laying the ground work for reducing the purchase and use of hazardous materials.
- The time required to complete permitting of all hazardous material storage sites is too long and unsafe. As stated in the previous, 1987-88 Annual Report, the Committee continues to advocate the full implementation of the HMPDO in a timely fashion, and supports an increase in authorized staff to accomplish this goal.
- The Department should seek funding to complete the SPT as soon as possible to facilitate efficient City compliance, aid collection of fees for program support, support emergency response personnel, reduce City expenses due to the use of hazardous materials, and maximize the opportunity for the City to market the information. Currently, the City is ahead of other communities who also will have to meet similar requirements for hazardous material programs, and they will need SPT. If the City has SPT available, it can market the information and generate funds to support the HMPP, but only if the information is first on the market.
- A strong outreach and community awareness campaign must remain a high priority of the HMPP during the coming year. Without a vigorous effort to educate the business community and public about the benefits of the program, enforcement will be made more difficult and voluntary compliance will be reduced. Sufficient resources must be made available to generate media coverage of events illustrating the difference the program has made in preventing what otherwise could have been a major disaster.
- The city should implement without delay waste minimization and source reduction of hazardous materials for residents, businesses and City Agencies. City Departments should take the lead in source reduction methods and should publicize their efforts.
- The City should address the need and treat and dispose of hazardous waste through solutions which may include a Storage Treatment Transfer Facility, but only after adequate Community involvement in any proposal. A strong Community outreach and education program must be in place throughout this process.
- The HMAC should be utilized as the link to the public to help resolve the issues involved in reducing the hazardous waste stream and disposing of the waste stream now being generated.
- **CONCLUSION:**

The Committee recommends that the Board of Supervisors hold a public hearing focusing on the pressing need for City agencies, and private businesses and residents to address the problem of hazardous waste, storage and disposal. The hearing should emphasize waste minimization and source reduction as important first steps in finding a comprehensive solution to the problem.

II. INTRODUCTION

The Hazardous Materials Permit and Disclosure Ordinance (HMPDO) was passed in 1983 to regulate the above and below ground storage of hazardous materials in both the public and private sectors. The purpose of the HMPDO is to protect the health, safety and welfare of the community, environment, and emergency response personnel through the disclosure of information on the storage, use, and disposal of hazardous materials in the City to firefighters, health officials, planners, elected officials, and residents. Permits are issued when the user demonstrates that their hazardous materials are stored, used, and disposed of in accordance with all appropriate safety requirements.

The Hazardous Materials Advisory Committee (Committee) was established by the 1983 Ordinance. The Board of Supervisors appoints the twenty-one (21) members of the Committee from representatives of small business, industry, public interest, scientific, neighborhood, labor and city agencies. The Committee currently has nineteen (19) members and two (2) vacancies.

The Committee reviews and comments on Departmental operations and makes recommendations to the Director of Public Health and the Health Commission on the Department's plans and programs concerning: the hazardous materials storage and permit process, underground tank program, abandoned sites, chemical hazards in the home, outreach and public education about hazardous materials, and coordination of the City actions with state and federal legislation and regulations. The Committee monitors the implementation of the HMPDO and reports to the Health Commission and the Board of Supervisors.

III. PROGRAM COMPONENTS

A. ABOVEGROUND STORAGE OF HAZARDOUS MATERIALS

1. Private Sector

This past year, the HMPP for the private sector continued to perform inspections and issue permits for aboveground storage of hazardous materials at a higher rate than in previous years. Initial inspections were performed on 886 businesses. In addition there were 429 follow-up inspections, 79 complaint inspections, and 422 notices of violations issued. Most of the violations were cooperatively resolved during the permitting process. Seven citations were issued to appear at an administrative abatement hearing: six hearings leading to resolution were held, and one was resolved before the hearing occurred.

During the year, 83 interim permits were granted, 168 full term permits were approved, and 176 permits were issued upon full payment of full fees. Applications for 325 permits are pending. These have been outstanding for an average of 9 weeks. There were no exemptions or waivers granted by the Director of Public Health during the past year. More aggressive follow-up was initiated this year by sending both second and final notices and issuing citations. In addition field visits were made to non-responsive businesses.

TABLE OF 1988-89 ACTIONS

Estimated number of required permits	10,000
Initial applications distributed	5,032
Second notices to comply	3,807
*Returned applications with disclaimers	2,785
Undelivered notices returned by U.S.Post Office	1,041
Applications returned with fees	310

*25% of disclaimers, upon follow-up inspection, will be shown to require permits

Requirements of the Hazardous Materials Permit and Disclosure Ordinance

The requirements of the Ordinance can be grouped into four major categories:

1. Hazardous materials and hazard identification,
2. Emergency response preparedness,
3. Emergency prevention, and
4. Payment of application, inspection and permit fees.

To comply with these requirements, a business or city facility must:

1. Operate to prevent hazardous materials accidents by proper:

- Labeling
- Storage
- Emergency response equipment
- Waste disposal
- Training

2. Prepare the following required documents

- Inventory
- Materials Safety Data Sheet (MSDS)
- Facility Map
- Emergency Response Plan

3. Pay fees

- Permits are issued on a facility-by-facility basis

2. City Agencies

Out of the 54 city departments, there are eleven departments that use and store most of the hazardous materials purchased in this city. These eleven major user departments include: S.F. General Hospital, Laguna Honda Hospital, DPH, Port of San Francisco, Police Department, Fire Department, Recreation and Parks, Muni, Water Department, DPW and Purchasing Department. These departments occupy approximately 481 facilities within San Francisco. All 481 facilities will require inspections; approximately 50% of these facilities will require a permit.

As of July 31, 1989, one permit has been issued to the City. Another city facility has applied for a permit.

Environmental analysis indicates that the staff within the other city facilities has laid the ground work for obtaining a permit. For the past four years, City departments have been implementing hazardous materials regulations such as the Hazard Communication Standard (HCS) and the Hazardous Waste Regulations (HWR). In the process of complying with these laws, City departments have achieved partial compliance with several requirements of the Ordinance because the requirements of HCR and HWR overlap substantially with the requirements of the Ordinance. For example:

- Hazardous materials are being identified,
- MSDS (toxic characteristic) information is being made available,
- Most incompatible toxic materials are stored safely,
- Hazardous wastes are being properly stored.
- Employees have been trained on the general principles for handling hazardous materials and responding to hazardous materials incidents.

To comply fully with the Ordinance, the inventory, MSDS information and training need to be updated and expanded to incorporate details required uniquely by the Ordinance.

Although DPH has assisted several facilities with their emergency response plans, little progress has been made toward complying with the emergency preparedness and accident prevention aspects of the Ordinance. This is a key element because the cost to the city for damage to worker health or to the environment could be millions of dollars. Each department will need to devote substantial effort and resources towards developing, implementing, and maintaining an effective emergency response system, based on a written plan. Assignment of a department executive manager to the task is necessary to accomplish this.

Even though the Ordinance has been in effect for over five (5) years, only two City sites have completed HMPDO requirements for permits. This compares unfavorably to implementation of the Ordinance in the private sector, which has had over 400 permits issued in the same time. The City facility delays are due mostly to City department claims that there were no provisions in their budgets for the personnel and equipment upgrading needed to do the necessary work for permitting. The apparent rate of progress of City agencies fully complying with HMPDO requirements indicated that the process will not be complete for another five years. The Committee has stressed previously that the HMPDO is necessary for the City's proper storage of potentially hazardous chemicals, worker safety, and appropriate emergency response.

The HMPP staff has prepared a chart, "Status of Hazardous Materials Management Activities" which provides an overview of the progress being made in the eleven major user departments (See Appendix Pg. 17) The DPH helped City agencies eliminate the use of hazardous materials through alternative materials and consolidation of services. This work is not shown in the chart as an Ordinance compliance activity.

RECOMMENDATION:

- The City should aggressively pursue permitting of all City agencies and departmental budget constraints should be overcome through single year supplemental appropriations to support virtual completion of the City agency permitting process during fiscal 1989-90. City permitting of sites will generate substantial savings to the City by preventing spills, reducing worker accidents, and laying the groundwork for reducing the purchase of toxic materials for the City.

3. State Institutions

During the year HMPP staff met with UCSF Environmental Health and Safety staff, senior facility, and administration members to develop a systematic, comprehensive and cooperative approach to compliance with our Hazardous Materials Ordinance and State law. The University has approximately 1,500 research units/labs on the Parnassus site, not including the hospital and maintenance facilities. Additional sites are located at the University Laurel Heights and General Hospital sites. By State law UCSF will be required to meet preliminary requirements in 1990 and completely comply with the requirements of the Ordinance by 1992. They have elected to start early and achieve compliance sooner for their own and for community safety. SFSU started on a similar program later in the year.

B. UNDERGROUND TANK PROGRAM

During the fiscal year 1988-89 businesses removed 146 underground tanks and abandoned five (5) tanks in place in accordance with the program. Inspections were conducted regarding: 4 monitoring systems, 1 tank cleaning, and 4 soil removals. Nine leak investigations were performed and the results were reported to the Regional Water Quality Control Board (RWQCB) for follow-up. A total of 28 underground storage tank monitoring plans were approved; one was disapproved.

Among City agencies, 4 tanks were removed and 5 monitoring plans were approved. Out of a total of 275 city-owned tanks, 141 will remain in service and 134 were either removed or closed in place. Eight leaks were detected, reported to RWQCB, and repaired. For the City the underground tank program is essentially complete except for the implementation of the monitoring program.

C. EMERGENCY RESPONSE

During the year HMPP responded to 8 emergencies and other DPH staff responded to about 40 other calls.

D. STANDARD PRODUCTS TABLE

The Department is developing a Standard Products Table (SPT) which will list the 30,000 products most commonly used within the City, and their hazard classes. The short term goal is to develop a SPT for the 12,000 products now being processed from available business inventories. During the year SPT, data was processed for 8,000 products. The SPT is essential for capturing business inventories in a data base and as support for emergency response personnel and public disclosure. The SPT is not available in this form from any other source. At present the hazardous materials information provided to emergency response personnel is found in the business inventories hard copy data, but the inventories cannot be entered into the system until Standard Product information has been created for each item.

A complete SPT will allow the automatic calculation of permit fees by the department computer system based on inventory information in the data base. The SPT also represents a tremendous opportunity to market the information to other communities. This could provide substantial financial support for HMPP. Finally the SPT is necessary to bring City departments into timely compliance not only with the HMPDO but with other State and Federal legislation as well. City departments will have access to this central depository of information, eliminating duplication of effort and facilitating Department of Public Health (DPH) oversight. This information is critical for the City's Purchasing Department which partially controls purchasing of toxic materials for City Departments. The SPT is needed to reduce the purchasing of toxic material for the City. This will reduce City expenses of handling and disposing of toxic material.

RECOMMENDATION

- The Department should seek funding to complete the SPT as soon as possible to facilitate efficient City compliance with the Ordinance, aid collection of fees for program support, support emergency response personnel and maximize the opportunity for the City to market the information. Currently, the City is ahead of other communities who also will have to meet similar requirements for hazardous material programs, and they will need SPT. If the City has SPT available, it can market the information and generate funds to support the HMPP, but only if the information is first on the market.

E. COMMUNITY OUTREACH AND EDUCATION PROGRAM

Community Outreach and Education is an important part of implementing the HMPDO. During 1987-88 some of the education part of this work was performed under a small contract with a non-profit organization. This past year a new contractor was to be selected for the program. Almost the entire year was spent with an extended bidding and selection process. There were additional delays due to City budget problems and the verification process; and then more delays within the contractor's organization.

Finally, ICF Inc. was selected and started their work on this program in July 1989. ICF is a nationwide company providing a broad range of technical and regulatory consulting services on hazardous material and environmental problems to government and industry. ICF has strong community and business outreach capabilities using advanced media methods. Experience with these methods should assist the staff with their future outreach efforts.

During the past year HMPP staff and Committee members started the first phase of a new Community Outreach portion of the work with a needs assessment survey. The survey showed that more than half of neighborhood activities had little information about hazardous material regulation and that they would attend meetings in their neighborhood to learn more about the subject. Most of the activities surveyed stated that using the media was the best method to reach the public.

During the past year, HMPP staff made presentations regarding ordinance requirements to two professional organizations. These were the California Car Wash Association and the Structural Pest Control Operators Association. Individuals attending these workshops represented approximately 50 businesses.

RECOMMENDATION

- A strong outreach and community awareness campaign must remain a high priority of the HMPP during the coming year. Without a vigorous effort to educate the business community and the public about the benefits of the program, enforcement will be made more difficult and voluntary compliance will be reduced. Sufficient resources must be made available to generate media coverage of events illustrating the difference the program has made in preventing what otherwise would have been a major disaster.

F. HOUSEHOLD/SMALL GENERATOR PROGRAM

With the support of the Committee, San Francisco opened its first Household Hazardous Waste Collection Facility (HHWCF) in January 1988. The facility is operated jointly by the Chief Administrative Officer and Sanitary Fill Company, the disposal affiliate of the Golden Gate Disposal and the Sunset Scavenger Companies. The facility provides San Francisco residents a safe means of disposing of their household generated hazardous waste at no cost for individual drop offs. The facility is partially funded by five cents added to a typical home's monthly garbage charges. The facility is an important first step in allowing the City to meet its legal obligation to keep hazardous materials out of our solid waste disposal sites, thereby protecting groundwater and the environment, and improving the safety of sanitation and disposal workers.

Initially a one year pilot program, the facility is now a permanent service for San Francisco residents. During the first year of operation, ending January 1989, 3,219 people used the facility and 30,730 gallons of hazardous waste were collected either by licensed hazardous waste haulers or through recycling or reuse. Roughly 66% of the total waste received was recycled or reused.

This facility currently does not knowingly accept hazardous materials from businesses because this is not permitted by State law.

G. HAZARDOUS WASTE GENERATOR PROGRAM MOU

The California Department of Health Services has entered into a memorandum of understanding (MOU) with approximately 25 counties to administer the State requirements for hazardous waste generators. Currently, the Board of Supervisors is developing legislation authorizing the City to implement such a local hazardous waste generator inspection and permitting program. Final action on the legislation is needed as soon as possible, so that the County can better enforce State laws concerning the proper handling of hazardous materials and waste.

The DPH, active in formulating the MOU legislation believes that the questions raised by the Committee about the MOU in it's 1988-89 report have been addressed: the program is designed so as not to detract from current efforts to implement the HMPDO; the program will be integrated in a step by step manner so as to minimize the economic impact on small businesses.

Source reduction is the best and often the only long-range solution to the hazardous materials and waste problem in the City, but it has yet to be implemented as a comprehensive program.

H. HAZARDOUS WASTE MANAGEMENT PLAN (TANNER)

For the past 18 months, the HMAC has had a representative on the Hazardous Waste Advisory Committee (Tanner Committee). The Tanner Committee was charged with helping to develop a plan for the County to manage its hazardous materials and waste through the year 2000. The effort has frustrated many members of the Tanner Committee for the following reasons. Due to unrealistic timelines and guidelines established by the State Department of Health Services and the CAO's office, the Committee met infrequently, the members were rushed to review documents, and it had only limited time to seek out public opinion. Alternatives for transferring and storing hazardous waste in San Francisco are very limited, and the Committee would have preferred focusing on problem solving, specifically on waste minimization as an implementation strategy. Instead the emphasis was on problem articulation without an implementation plan and dollars to back up solutions.

Nevertheless, the Tanner Committee faced a pressing problem; while waste minimization and source reduction are crucial, the City still has a very immediate need to solve the waste removal needs of small businesses. The most consistent feedback the Committee received was from the small business community who complained legitimately of having no economical, legal methods of disposing of their small quantities of hazardous waste. Currently small businesses must transport their waste out of the county and pay exorbitant rates. For this reason, a plan was developed based on input consistently received by the CAO's office to site a facility for Small Waste Generators in the southeast part of the City. The site was not intended to be a hazardous waste dump nor was it a perfect solution. But the City has a serious problem.

Unfortunately, the plan has not been thoroughly understood by the surrounding community. The City has responded to their apprehension by holding a series of public workshops to review the entire problem before proceeding. The SWG facility needs community acceptance wherever it is located, and many members of the community are demanding that the a first step is for the City to promote and implement waste minimization and source reduction. Regarding the hazardous wastes generated by small businesses, this is a problem the HMAC has been considering for sometime and it logically should be the responsibility of the HMAC to be involved as it was in promoting the Household Collection Facility as a partial solution to ever increasing hazardous wastes.

RECOMMENDATIONS

- The City should implement without delay waste minimization and source reduction of hazardous materials for residents, businesses, and City Agencies. City Departments should take the lead in source reduction methods and should publicize their efforts.
- The City should address the need to treat and dispose of hazardous waste through solutions which may include a Storage Treatment Transfer Facility, but only after adequate Community involvement in any proposal. A strong Community outreach and education program must be in place throughout this process.
- The HMAC should be utilized as the link to the public to help resolve the issues involved in reducing the hazardous waste stream and disposing of the waste stream now being generated.

I. BIO-REMEDIATION PROJECTS

During the past year HMPP worked on seven bio-remediation projects for various City agencies and the United States Coast Guard. The work consisted of testing methods of bio-remediation of diesel contaminated soil. The previous treatment method previously available to the City was removal and disposal at an average cost of approximately \$300 per cubic yard. Bio-remediation consisted of mushroom composting on a City owned site. Labor, limited hauling and testing cost approximately \$40 per cubic yard. Some of these costs have been repaid to the DPH by work orders from the other agencies. A total volume of about 3,500 cubic yards was treated for a net savings to the City of about \$880,000. Benefits besides cost reductions are no hazardous waste disposal to landfill and reuse of the site.

In addition HMPP staff consulted with City Departments on numerous contamination issues including a vapor study of a contaminated site and plume definitions.

J. STAFFING

The Department filled the last two HMPP vacancies in April 1989 and is finally at the authorized staffing level.

The Department has had difficulty with retention of staff responsible for development and support of the data base program. After City employees are trained, they move on to the private sector. Recently two full-time City staff were lost, the equivalent of half of the Management Information System Project Team. Two contractors on staff remain but cannot remain indefinitely due to Civil Service restrictions.

A lack of data entry personnel is also a continuing problem.

K. WORKPLAN FOR 1989-90

The Final Draft of a comprehensive Workplan for 1989-90 was issued in March 1989. The Workplan includes predictions for the following major accomplishments during the year:

Conduct over 1,500 initial inspections of businesses. Issue 700 new Hazardous Material Storage Permits. Renew 900 Hazardous Material Storage Permits. Inspect and permit 210 modifications of underground storage sites. Develop all necessary additional regulations to implement the Ordinance. Permit 10 high priority City facilities. Investigate and take necessary actions to abate 72 hazardous material complaints. Develop a reporting system. Consider a hand held computer for on site use by inspectors. Add inventory items and wastes to complete the SPT. Consider the marketing of the SPT to industry and other regulating agencies. Continue work on community and business outreach. Complete studies of hydrocarbon biodegradation projects using mushroom composting. Begin and complete studies on: heavy metal, pesticides, vapor extraction of gasoline, and organic biodegradation of ground water projects. Consider the use of the above methods for City contaminated sites.

The Work Plan projects that all above ground City and business storage sites will be properly permitted within five years. This is based on keeping the current level of authorized inspectors and management on staff and fully trained. The projection is based on recent permitting time requirements and time available from each staff member for the work necessary. The projection does not include the time necessary to permit the laboratories and facilities at UCSF and SFSU. This work will add over a year to the process.

RECOMMENDATION

- The time required to complete permitting of all hazardous material storage sites is too long and unsafe. As stated in the previous, 1987-88 Annual Report, the Committee continues to advocate the full implementation of the HMPDO in a timely fashion, and supports an increase in authorized staff to accomplish this goal.

L. FEE STRUCTURE

The Ordinance requires that the permit process be fully supported by the permit fees collected. The fees as established by the Board of Supervisors were designed not to exceed the City's cost of permitting for large businesses. The fee schedule was last adjusted in 1988. Fees for above ground storage are a function of the number of different hazards and the quantities stored, (reduced by 50% for renewals) plus an hourly fee (\$75.00) for the actual inspection time spent on the site and filing fee, \$300.00 initial and \$100.00 for renewal. The fees for gas stations are similar with \$75.00 per tank in lieu of a hazards and quantities fee. Any compensation for office, support, clerical and travel time required is included in the application fee. There is no fee collected from businesses for which a permit is not required, even if it takes time to ascertain this.

ANNUAL EXPENSES

	<u>Budget</u>	<u>Actual</u>
Staff Direct Salaries	\$643,752	\$515,592
Mandatory Fringe Benefits	168,353	127,263
Office Overhead	NA	NA
Composting Materials	0	21,379
*Outreach Consultant	23,678	0
*Computer Consultant	152,629	82,629
Materials, Supplies & Equip.	36,768	31,468
	<u>\$1,025,180</u>	<u>\$778,331</u>

ANNUAL INCOME

Permit Fees	\$221,353
Work Orders from City Departments	90,000
Fees collected for other City Departments	22,487
	<u>\$333,840</u>

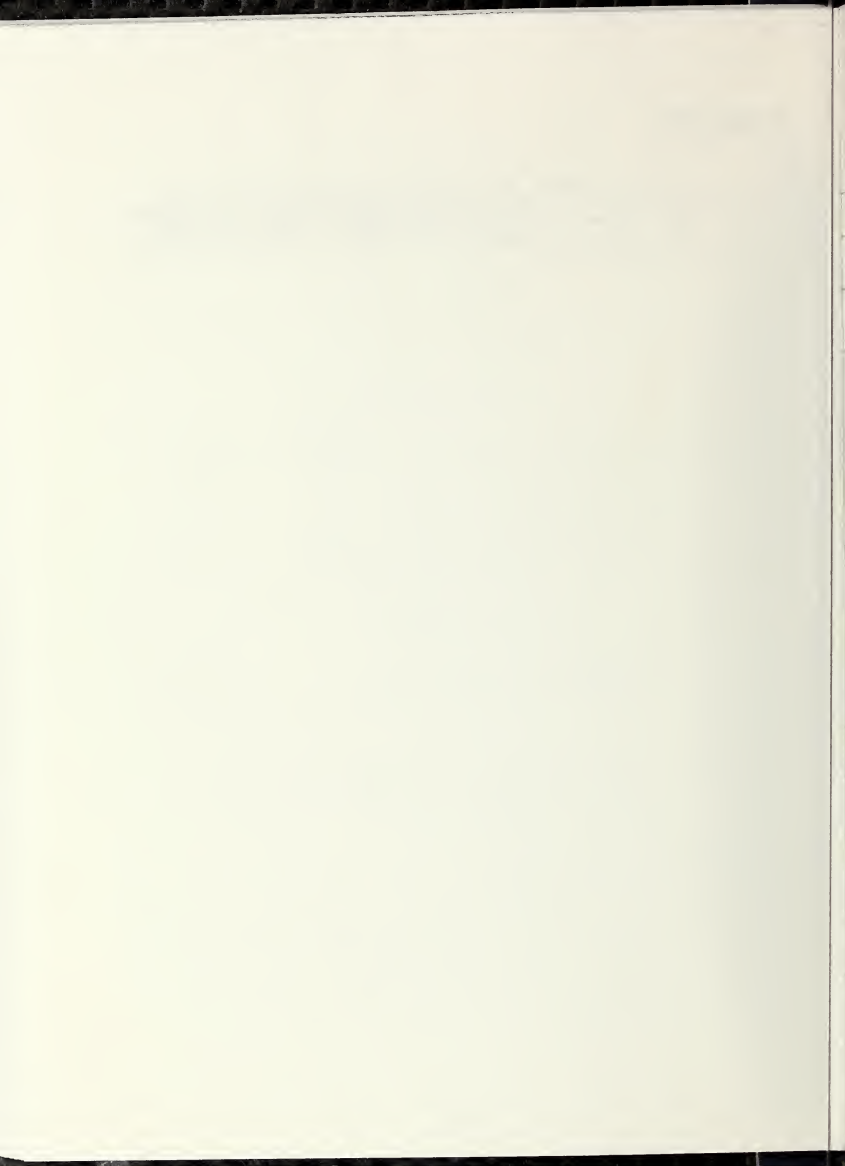
Note: The portion of total expenses covered by permit fees is 32.2% calculated as follows: divide fees \$221,353 by the Actual Total Expenses (\$778,331 minus Work Orders \$90,000)
 $\$221,353 \div \$688,331 = 32.2$

COMMITTEE COMMENT ON BUDGET

This budget reflects the apparent priorities of the Department of Health and demonstrates the lack of budgetary resources committed to *community outreach and *computer consulting funds. Outreach and Computer resources are a high priority of the HMAC. We hope that the Department will use more effectively their budget resources in the next year to provide much needed outreach and education to businesses and the public and to enable the implementation of public access and disclosure which are dependent on computer resources.

M. CONCLUSION:

The Committee recommends that the Board of Supervisors hold a public hearing focused on the pressing need to address the problem of hazardous waste use, storage, and disposal, with emphasis on waste minimization and source reduction as important first steps in finding a comprehensive solution to the problem.



MAJOR USER DEPT	1) HAZ DEPT NOTIF.	2) HAZ COM TRNG	3) HAZCOM WRITTEN PROGRAM	4) LABEL	5) HA PROG	INVENTORIES			MATERIAL SAFETY DATA SHEETS			12) MAP	13) ER COORD.	14) ER PLAN	ER TRAINING	
						6) IM LIST	7) WITH IMPRO REQ.	8) CURRENT	9) PARTIAL	10) ALL	11) CURRENT				15) GENERAL	16) SPECIFIC
SFGH (3)	X	X	X		X	X		?	X		?		X			
LHH (3)	X	X	X		X	X		?	X		?		X		X	
HEALTH (93)	X	X			X	X		?	X		?					
PORT (11)	X	X	X	?	X	X	X	X		X	X				X	
POLICE (30)	X	X	X		X	X		?	X		?		X		X	
FIRE (Print/Pipe) (54)	X	X			X	X			X		?				X	
REC & PARK (149)	X	X				X		?	X				?		X	
FURNI (33)	X	X	X	?		X		X	X		X		X		X	
WATER (31)	X	X	X	?		X		?	X		?		X	?	X	
DPM (45)		X	X	?	X	X	X	?	X		?	?	?	?	X	
PURCHASING (29)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

87871 X - Over 50% of Department facilities have complied.

Blank Space - Over 50% of Department facilities have not complied.

? - Insufficient information to determine compliance

** - Column 2, 4-16 indicate requirements of Ordinance and illustrates that requirements of these hazardous materials laws overlap so that by complying with HCS and HMR (Columns 1-6 and 9-11), departments have made substantial progress toward obtaining permits.

DEFINITIONS

County Hazardous Waste Management Plan - the plan (referred to as the Tanner Plan) was the result of AB2948 (Tanner 1988) that authorized each county and Council of Governments (e.g. Association of Bay Area Governments) in California to develop a Hazardous Waste Management Plan.

Hazardous Materials - any substance (solid, liquid, semi-solid sludge, or gases), either natural or synthetic, that may cause or significantly contribute to an early death or incapacitating illness; or pose a substantial present or potential hazard to human health or the environment when improperly managed. Used synonymously with Hazardous Substance or Hazardous Chemical.

Hazardous Waste - any waste which is toxic, corrosive, flammable, reactive, radioactive or infectious and which posed a threat to health and the environment.

Toxic - capable of producing injury, illness or damage to humans, domestic livestock or wildlife through ingestion, inhalation or absorption through any body surface.

ACRONYMS

CAO	-	Chief Administrative Officer
DPH	-	Department of Public Health (San Francisco)
DPW	-	Department of Public Works (San Francisco)
HCS	-	Hazard Communication Standard
HHWCF	-	Household Hazardous Waste Collection Facility
HMAC	-	Hazardous Materials Advisory Committee (referred to as the Committee)
HMPDO	-	Hazardous Materials Permit and Disclosure Ordinance
HMPP	-	Hazardous Materials Permit Program
HWAC	-	Hazardous Waste Advisory Committee (referred to as the Tanner Committee)
HWR	-	Hazardous Waste Regulations
LHH	-	Laguna Honda Hospital
MOU	-	Memorandum of Understanding
MSDS	-	Material Safety Data Sheet
MUNI	-	San Francisco Municipal Railway
RWQCB	-	Regional Water Quality Control Board
SFGH	-	San Francisco General Hospital
SFSU	-	San Francisco State University
SPT	-	Standard Products Table
UCSF	-	University of California - San Francisco

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HAZARDOUS MATERIALS ADVISORY COMMITTEE

ANNUAL REPORT

**REPORTING PERIOD: FISCAL YEAR 93-94
FISCAL YEAR 94-95**

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HAZARDOUS MATERIALS ADVISORY COMMITTEE
ANNUAL REPORT
FISCAL YEAR 93-94
FISCAL YEAR 94-95

THE HAZARDOUS MATERIALS ADVISORY COMMITTEE

The Hazardous Materials Advisory Committee (HMAC) is established by Section 1103 of the San Francisco Health Code. The Committee consists of twenty-one members, comprised of the following: One representative of small business; two representatives of industry; one toxicologist; one epidemiologist; one health educator; two representatives of neighborhood associations; two representatives nominated by the Mayor; two representatives of environmental organizations; one representative of the Department of Public Works; one representative of the Department of City Planning; one representative of the Fire Department; and two open slots, appointed by the Board of Supervisors.

The HMAC was established to advise the Board of Supervisors and Health Commission on Hazardous Material and provide oversight on the HMO Mission and toxics issues. The HMAC prepared this report in accordance with HMO requirements with the assistance of DPH staff. The HMAC also makes recommendations to the Board and the Commission and the members testify as appropriate.

The current membership of the HMAC is listed in appendix c. There are currently seven vacancies.

Correspondence to the Hazardous Materials Advisory Committee may be addressed to:

Department of Public Health
101 Grove Street, Room 220
San Francisco, CA 94102
(415) 554-2775

EXECUTIVE SUMMARY AND RECOMMENDATIONS

The Hazardous Materials Ordinance (HMO) was passed in 1983 to regulate the above and below ground storage of hazardous materials in both the public and private sectors. It was subsequently amended in 1991. The purpose of the HMO is to protect the health, safety and welfare of the community, environment, and emergency response personnel through the disclosure of information on the storage, use and disposal of hazardous materials in the City to firefighters, health officials, planners, elected officials, and residents.

Though there is still much to be done, in twelve years, the HMO has accomplished the following after partial implementation of repeated HMAAC recommendations:

The City is safer because most businesses dealing with hazardous materials are known and have been inspected at least once.

Some provisions are in place to start reducing the amounts of hazardous materials in use by, and the amounts of hazardous materials which end up as waste legally and illegally from residents, businesses and City agencies.

The following is a summary of the recommendations contained in this report:

DPH should:

- Continue to work with the State to finalize the CUPA application.
- Initiate cross-training for Haz Mat and Haz Waste staff to implement CUPA program elements.
- Coordinate with the San Francisco Tax Collector and new-business clerk to obtain current information on new business.
- Continue on-going investigations with utility services, such as telephone, gas and electric, water and sewage, to obtain current information on new business.
- Provide on-going training of DPH staff, especially in health and safety, USTs, hazardous materials management, management information systems, and RMPP activities.
- Solicit new hires for secretarial and administrative support.
- Investigate the possibility of combining the requirements for AHM Permitting into the RMPP process, so as to ease the burden of compliance for businesses and facilitate implementation and enforcement by staff. This may require changes to the HMO.
- Provide on-going training of DPH staff in UST inspections.
- Work toward permitting of all active USTs.
- Hire additional inspectors in order to inspect businesses more frequently than once every three years, thus improving safety at no net increase in cost.
- Re-assign or hire staff or contract outside to review RMPPs.

- Continue in its data base development efforts.
- Continue to use enforcement as required in order to increase safety.
- Increase the outreach and education for hard to reach businesses and communities, for example, South of Market, Bay View, and Hunters Point districts.
- Increase its education and outreach efforts for UST owners so they can plan to meet new requirements effective in 1998.
- Work toward development of software to enable electronic inventory data transfer to the Fire Department.
- Fill the Senior Industrial Hygienist Position.
- Acquire additional developer and/or Redevelopment Agency funds to properly staff and monitor toxic clean-up of Mission Bay, Hunter's Point, Presidio, and Treasure Island.

CAO should:

- Increase the number of well publicized neighborhood special event household hazardous waste collection sites utilized each year.
- Continue their household hazardous waste program and small business generator programs.
- Encourage businesses to properly dispose of hazardous wastes, and the Very Small Quantity Generators (VSQG) program is a good idea, so long as any proposed expansion encompasses terms and conditions developed by the Local Assessment Committee and approved by the Planning Commission and that the project conforms with the hazardous waste management plan as implemented in the Planning Code and Master Plan.
- Develop an alternate neighborhood collection method for each neighborhood which will ultimately replace the special events and reduce the need for residents to carry hazardous materials long distances to the existing HHWCF.

Fire Department and DPH should:

- Continue its oversight of sites contaminated as a result of leaky underground storage tanks.
- Provide businesses and City agencies with additional information and suggestions of methods and materials to reduce their use of hazardous materials and the generation of hazardous waste.

- The Fire Department, in conjunction with the DPH should continue to pursue installation of specialized software such as CAMEO on the Haz Mat vehicle to support emergency response.

PROGRAM ELEMENTS

A. State Required Consolidation, SB 1082 (Calderon)

This legislation, signed by the governor in 1993, requires the consolidation of 7 environmental programs:

Italicized program elements are those already enforced by DPH

- *Hazardous Materials*
- *Underground Storage Tanks*
- *Article 80 of the Fire Code (Hazardous Materials Plans)*
- *Hazardous Waste -- Generator Inspections*
- *Hazardous Waste -- Treatment Permitting (Limited)*
- *Risk Management and Prevention Plans*
- Above Ground Tanks (Spill Control and Countermeasure Plans)

The entity that is designated to enforce these programs is called a **Certified Unified Program Agency (CUPA)**. Counties are required to prepare an application to become a CUPA by **December 31, 1995**. (Cities may apply.) Businesses regulated under the CUPA will be required to pay a State surcharge which will be collected by the local CUPA and forwarded to the State. In exchange for this surcharge, the State will provide oversight and technical guidance for the local program. The statute requires the issuance of a consolidated "permit", a single inspection, a single bill, and a fee accountability program. It specified requirements for minimum levels of staff experience and expertise as well as on-going training.

By the end on FY 94-95 staff had completed the CUPA application. It was endorsed by the HMA in a resolution dated June 1, 1995.

The **State Department of Toxic Substances Control (DTSC)** will perform a preliminary review of the CUPA application and then determine whether or not it is complete. Once an application has been determined to be complete, the State has 180 days to perform a technical review and respond to the application with either a notice of deficiency or a notice of certification. The CUPA then has one year from the date of certification to implement the consolidated program.

Recommendations:

- DPH should continue to work with the State to finalize the CUPA application.
- DPH should initiate cross-training for Haz Mat and Haz Waste staff to implement CUPA program elements.

B. HAZARDOUS MATERIALS REGISTRATION

Businesses operating a laboratory or storing hazardous materials in quantities greater than 55 gallons of liquids, 500 pounds of solids, or 200 cubic feet of compressed gases must obtain a bi-annual (once every 2 years) Certificate of Registration from the San Francisco DPH. To obtain the Certificate, the business must submit documents to support the registration application. Registration requirements consist of general facility information, facility maps, emergency response plan, training plan, inventories, hazardous materials reduction plan, and payment of associated fees. Businesses with Certificates of Registration are required to be inspected at least once every 3 years.

During this reporting period, at the result of an inquiry from the San Francisco Dental Society to Supervisor Alioto's office, the Hazardous Materials Ordinance (HMO) was amended. A representative from the Dental Society attended several HMOAC meetings to provide input for the amendment. After the recommendation by staff and approval of the HMOAC, the HMO was amended to eliminate the requirement for medical offices (physicians, dentists, podiatrists, veterinarians, or pharmacists) to renew their Certificate of Registration provided that at any one time, the total container capacity of oxygen or nitrous oxide is less than 1000 cubic feet. This amendment brings the HMO into agreement with the California Health and Safety Code, which also allows this exemption.

The following table shows the status of the Hazardous Materials Registration and Inspection programs.

	FY 93-94	FY 94-95
Number of Registered Businesses, Institutions, and City Departments in Year	963	1179
Total Number of Registered Facilities to Date	1747	2146

Recommendations:

- DPH should coordinate with the San Francisco Tax Collector and new-business clerk to obtain current information on new businesses.
- DPH should continue on-going investigations with utility services, such as telephone, gas and electric, water and sewage, to obtain current information on new businesses.
- DPH should provide on-going training of DPH staff, especially in health and safety, USTs, hazardous materials management, and management information systems.
- DPH should solicit new hires for secretarial and administrative support.

C. HAZARDOUS MATERIALS PERMITTING

Hazardous materials permitting consists of Acutely Hazardous Materials (AHMs), Underground Storage Tanks (USTs), and Risk Management and Prevention Plans (RMPPs).

Acutely Hazardous Materials (AHMs)

Businesses storing acutely hazardous materials (AHMs) in quantities greater than the California-established Threshold Planning Quantities (TPQs) must obtain an annual AHM Permit from the DPH. During the first two years of new ordinance implementation, the additional information obtained from businesses during the course of AHM permitting has been of minimal use to staff and emergency responders. To obtain an AHM Permit, a business must submit detailed hazard information, correct operational deficiencies identified during an on-site inspection, and pay associated fees. DPH currently has most of the necessary information from most AHM facilities, but they are not in full compliance with all the requirements of the HMO.

The following table shows the status of the AHM program:

	FY 93-94	FY 94-95
Number of AHM Permits in Year	6	0
Total Number of AHM Permits to Date	6	6

Recommendations:

- DPH should investigate the possibility of combining the requirements for AHM Permitting into the RMPP process, so as to ease the burden of compliance for businesses and facilitate implementation and enforcement by staff. This may require changes to the HMO.

Underground Storage Tanks (USTs)

Permits

Owners of Underground Storage Tanks (USTs) must obtain an annual Tank Operating Permit (TOP) from the San Francisco DPH for each active tank. TOP requirements consist of submittal of information sufficient to determine that the tank meets current California requirements for construction and monitoring, the correction of violations identified during an on-site inspection, and payment of associated fees. Currently there are approximately 1000 active USTs. In 1998, new UST requirements which will affect tank owners will become effective. The number of USTs currently in compliance with the new requirements is not known.

UST Closures/Removals

USTs that are no longer in use, or do not meet California mandatory technical requirements, must be closed or removed according to California requirements.

The following table shows the status of the UST program:

	FY 93-94	FY 94-95
Number of USTs removed/closed in-place	545	460
Number of TOPs in Year	137	325
Total Number of TOPs to Date	137	462

Recommendations:

- DPH should provide on-going training of DPH staff in UST inspections.
- DPH should work toward permitting of all active USTs.
- DPH Increase education and outreach efforts to UST owners, so that they can plan actions that will bring them into compliance with the 1998 deadline as well as to business, for example, South of Market, Bay View, and Hunters Point districts.

Risk Management and Prevention Plans (RMPPs)

Businesses storing AHMs in quantities greater than the TPQs are required to submit a Risk Management and Prevention Plan (RMPP) to the DPH and to update the plan annually. An RMPP is a highly technical document that requires in-depth study and preparation by a multi-disciplinary team consisting of structural, seismic, and environmental engineers as well as plant operations specialists and risk managers.

DPH has not yet called in any RMPPs from businesses storing hazardous materials. The position responsible for RMPP program activities has been vacant for almost a year due to an extended leave of absence. Filling the position on a temporary basis is difficult since the status of the incumbent has yet to be determined. Additionally study is necessary in this area.

Recommendations:

- Investigate the possibility of combining the requirements for AHM Permitting into the RMPP process, so as to ease the burden of compliance for businesses and facilitate implementation and enforcement by staff. This may require changes to the HMO.
- DPH should re-assign or hire staff or contract outside to review RMPPs.

D. INSPECTIONS

The California Health and Safety Code requires that businesses and City agencies storing hazardous materials be inspected at least once every three years. The HMAC considers this inspection frequency to be a minimum and encourages the Department to evaluate its effectiveness in maintaining business compliance.

The Hazardous Materials registration procedure is not in effect long enough to know whether inspection every three years is safe enough, considering San Francisco's high

population density and generally close proximity of residents to businesses. Experience indicates that many businesses will have to be inspected more often. Follow up inspections are necessary insure that some businesses make the corrections required in a timely manner. The HMO requires that inspections be paid for at an hourly rate so that additional inspections will not require additional City expense.

The Department is required by the HMO to inspect businesses which file disclaimers against the requirement to be registered if the nature of the business indicates a possible use of hazardous materials. The Department cannot bill for inspection time for proper disclaimers.

FY 93-94 and 94-95 were the first two years of implementation for the business inspection program. During FY 93-94, senior staff began a training program for staff. Field inspectors are evaluated and "signed off" by their supervisor prior to being given inspection assignments. By the end of FY 94-95, all staff were fully trained to perform inspections of businesses with above ground storage of hazardous materials. The program goal for FY 95-96 is that all staff will also be trained to perform inspections of underground storage tanks by the end of the year.

The following table represents business inspections during FY 93-94 and 94-95:

TYPE	FY 93-94	FY 94-95
Above Ground	127	546
UST	199	100
Complaints	26	10
Disclaimers Investigated	425	117

Recommendations:

- DPH should hire additional inspectors in order to inspect businesses more frequently than once every three years, thus improving safety at no net increase in cost.

E. DATA MANAGEMENT

The information collected during the process of business registration is currently provided to the Fire Department in a combination of hard-copy and computer disk. Progress is being made toward the elimination of hard copy data transfer. Total electronic data transfer will greatly enhance the ability of emergency responders to retrieve information.

Progress has been significant in the area of business compliance and inspection tracking. Program planning and activity reporting capabilities have been greatly expanded during this report period. Several data bases have been consolidated and plans are currently

underway to expand this consolidation. The SWEEPS data base, used for tracking UST compliance, was eliminated, and the information is now available to the inspection staff on the primary Access data base, thus facilitating pre-inspection planning.

Another area of data management should be to provide hazardous materials users with suggestions for use reduction or substitution of less hazardous materials. Someplace in this world someone is performing a function similar to an operation being performed in San Francisco, in a manner that is less hazardous and doing it at a reasonable cost. This information is difficult to find, but the data is somewhere. The HMO mandates use reduction, but small business needs some assistance.

During FY 93-94, Hazardous Materials staff completed a business coding project to assist in classification of businesses according to regulated program elements. The 8 digit program codes will facilitate business compliance tracking and program planning under the CUPA.

Recommendations:

- DPH should continue in its data base development efforts.

F. ENFORCEMENT

Any business which fails to comply with the HMO is subject to enforcement action. The 91-92 ordinance amendment gave administrative civil penalty authority to the Department. In most cases, a notice of violation or citation to appear is enough to move a business to make the necessary corrections and/or pay the required fees and inspection charges. The table below summarizes the enforcement activities for FY 93-94 and FY 94-95.

ACTIVITY	FY 93-94	FY 94-95
Notice of Violations	188	479
Citation to Appear at a Bureau Hearings	35	3
Citation to Appear at a Director's Hearings	1	0
Cease and Desist Orders	0	0
Clean-up and Abate orders	0	0
Number of Liens recorded	2	9
Number of Liens released	7	3
Total Amount Liened	\$300	\$2,150

Recommendations:

- DPH should continue to use enforcement as required in order to increase safety.

G. COMMUNITY AND BUSINESS EDUCATION AND TRAINING

To assist small businesses in complying with the HMO, the HMP offers two types of sessions to businesses:

Question and Answer Sessions

These sessions address individual needs and occur every Thursday at noon in the Department of Public Health. Attendance at these sessions average 2-3 businesses per session with an average annual total of 70 businesses attending every year.

Workshops

The workshops occur on the second and fourth Thursday evening from 6 to 8 PM at the Department of Public Health. Average attendance is about 2-3 per session.

Staff also provide one-on-one help sessions with businesses who are attempting to comply with the hazardous materials ordinance. Translations are available in Chinese and Spanish.

Recommendations:

- DPH should increase the outreach and education for hard to reach businesses and communities, for example, South of Market, Bay View, and Hunters Point districts.
- DPH should increase its education and outreach efforts for UST owners so they can plan to meet new requirements effective in 1998.
- CAO should continue their household hazardous waste program and small business generator programs.
- DPH and CAO should provide businesses and City agencies with additional information and suggestions of methods and materials to reduce their use of hazardous materials and the generation of hazardous waste.

H. LOCAL OVERSIGHT PROGRAM

FY 93-94 and FY 94-95 were the third and fourth years of the LOP program. LOP staff oversee the clean-up of sites contaminated by leaking underground fuel tanks. The program is funded solely by the State Water Resources Control Board. The San Francisco Regional Water Quality Control Board delegates LOP authority to oversee remediation where there is soil and or groundwater contamination. LOP has been granted authority to see that remediation plans are implemented, to educate the public regarding specific projects, and to close cases when the responsible party has satisfied requirements.

	FY 93-94	FY 94-95	TOTAL SINCE BEGINNING OF PROGRAM
Budget	\$450,000	\$450,000	NA
New Cases Added	98	186	468
Cases Remediated & Closed	64	96	170
Correspondence/Public Participation	33	57	90
Clean-up & Abate Orders	3	0	3
Work Plans Approved	59	121	194
Memoranda of Findings	9	14	23
Number of Staff	5	5	NA
Open Cases	188	425	NA

Recommendations:

- DPH LOP should continue its oversight of sites contaminated as a result of leaky underground storage tanks.

I. EMERGENCY RESPONSE

DPH staff are on-call 24 hours a day to respond to incidents involving hazardous materials. The incidents for the reporting period can be classified as follows:

Type of Release	FY 93-94	FY 94-95
Industrial/commercial fire	2	2
Residential fire	1	0
Release from fixed facility	5	12
Release at school	1	1
Residential release	2	2
Transportation related	5	5
Abandoned materials	8	13
Illegal/improper disposal	1	6
Illegal/improper storage	0	2
Intentional release	4	0
Release into waterway	2	0
Miscellaneous	3	0
Total	34	43

The type of hazardous material involved in these incidents can be described as follows:

Type of Hazardous Material	FY 93-94	FY 94-95
Oil	2	5
Diesel fuel	1	5
Paint products	0	2
Flammable liquids	2	2
Lab chemicals	3	0
Pesticides	1	0
Ethylene oxide	2	4
Other organics	9	3
Acids	1	4
Ammonia	1	2
Sulfur dioxide	0	1
Bases	0	1
Chlorine	1	1
Asbestos	4	2
Other inorganics	2	2
Medical waste	4	8
Unknown	1	1
Total	34	43

Currently, information obtained from business registration is provided to the Fire Department on a monthly basis on disk and in hard copy. As part of the business coding project (refer to Data Management Section) all registered businesses have been coded with the appropriate Fire Department Battalion district and pull box number, thus facilitating dissemination of information to battalions.

DPH does not yet have the capability to transfer chemical inventory information to the Fire Department electronically. Nor does the Fire Department have access to computer software on the Haz Mat Response vehicle to enable incident mitigation, such as CAMEO.

Recommendations

- DPH should work toward development of software to enable electronic inventory data transfer to the Fire Department.
- The Fire Department, in conjunction with the DPH should continue to pursue installation of specialized software such as CAMEO on the Haz Mat vehicle to support emergency response.
- DPH and CAO should provide businesses and City agencies with additional information and suggestions of methods and materials to reduce their use of and/or discharge to waste of hazardous materials.

J. HOUSEHOLD HAZARDOUS WASTE

With support of this Committee, San Francisco opened one of the first permanent HHWCF in 1988. The facility is owned and operated by Sanitary Fill Company (A subsidiary of Sunset Scavenger and Golden Gate Disposal Companies) as the contractor for the City. The facility originally operated under a variance from the State and currently operates under a Grant of Interim Status from the Department of Toxic Substances Control. The DTSC has not finished reviewing Sanitary Fill Company's application for a Standardized Permit under the Tiered Permitting Process which took effect in 1993. The HHWCF is co-sponsored by Sanitary Fill and the City's Hazardous Waste Management Program, in the CAO's Office.

The HHWCF provides San Francisco residents with a safe means of disposing of their household generated hazardous waste at no cost for individual drop-offs. The facility is funded through the garbage rates paid by San Francisco residents and businesses and is important in helping the City meet its obligations to keep hazardous wastes out of our solid waste stream, which is taken to Altamont Landfill. The HHWCF also helps prevent injuries to garbage collectors that can be caused when hazardous wastes are in regular trash.

During 1993, the sixth year of operation, 12,150 residents used the facility. During 1994, 12,168 residents used the facility.

Each summer, Sanitary Fill and the City operate a neighborhood one day satellite collection event. The event held at the Police Academy in the Diamond Heights District had 800 users in August of 1993. The event held at the Oceanside Treatment Plant in the Outer Sunset District had 950 users in August of 1994. Though the Committee has expresses that it would like more frequent collection events in neighborhoods, Sanitary Fill and the CAO's Office have cited safety concerns, difficulty in finding adequate sites, and high "per participant costs" as reasons for not planning to increase the number of neighborhood events.

In 1994, the CAO's Office obtained a grant from the California Integrated Waste Management Board to help in the development and siting of additional used motor oil collection sites. In 1992, there were 7 of these sites; by the end of 1993, the number had increased to 14 and by the end of 1994, there were 22 centers. The City expects to have more than 60 used motor oil collection centers by the end of 1995.

Recommendations:

- Increase the number of well publicized neighborhood special event household hazardous waste collection sites utilized each year.
- Develop an alternate neighborhood collection method for each neighborhood which will ultimately replace the special events and reduce the need for residents to carry hazardous materials long distance to the existing HHWCF.

K. VERY SMALL QUANTITY GENERATORS (VSQG)

In 1992, sanitary Fill Company and the City started a "VSQG Pilot Program" to collect hazardous waste from small businesses at the Household Hazardous Waste Collection Facility. The program is made available on a limited basis, by appointment only, to San Francisco businesses that generate less than 100 kilograms (about 27 gallons) of hazardous waste per month and are classified as conditionally exempt small quantity Generators in federal and state regulation. Businesses pay a fee for part of this service; garbage rates subsidize about 40 percent of disposal costs and all of the program's operating costs.

The number of pilot drop-off days per year is determined by agreement between the City and Sanitary Fill, with approval from the Board of Supervisors. Pilot days are always held on Wednesdays when the facility is closed to residents. There were 3 pilot days in 1992, 5 days in 1993 and 6 days in 1994. In 1995, there are 12 days scheduled.

In 1994, Sanitary Fill and the City applied for and were granted a variance from the CalEPA Department of Toxics Substances Control to allow businesses to drop off up to 27 gallons of hazardous waste at the pilot program; the law limits to five gallons the amount of hazardous waste someone may otherwise transport without a special license.

On the six pilot days during the report period from July 1993 to June 1994, businesses filled 414 appointments and delivered about 7,100 gallons of waste. The average delivery is about 17

gallons of waste. Typical businesses are painters, printers, and property managers. Most wastes consisted of paints, solvents, and photochemicals.

Sanitary Fill has proposed to make this pilot program permanent and anticipates that the yearly volume of hazardous wastes transferred through an expanded facility would increase by approximately 600%. The Local Assessment Committee (LAC), established pursuant to State law and appointed by the City Planning Commission in 1991, has met monthly since that time to consider Sanitary Fill's proposals. The LAC is authorized to negotiate with Sanitary Fill the terms and conditions to mitigate any negative impacts on the environment caused by the proposed expansion of the facility to accommodate the increase in hazardous wastes. At the current time, the LAC has described a number of its concerns about the expansion of the facility to handle more hazardous wastes to Sanitary Fill. However, Sanitary Fill has stated that it does not intend to formally address and go forward with the proposed expansion for the next year or two, so there are no current negotiations going on between the LAC and Sanitary Fill concerning any requests the LAC may make for mitigating the impact of the proposed expansion.

Recommendations:

- Business should be encouraged to properly dispose of hazardous wastes, and the Very Small Quantity Generator program is a good idea, so long as any proposed expansion encompasses terms and conditions developed by the Local Assessment Committee and approved by the Planning Commission and that the project conforms with the hazardous waste management plan as implemented in the Planning Code and Master Plan.

L. STAFFING

By the end of FY 93-94, four vacancies existed in the Hazardous Materials Program as follows:

- 1 - Management Information Specialist - (Filled)
- 2 - Senior Environmental Health Inspector (Filled 1 outside; 1 inside)
- 1 - Environmental Health Inspector

These positions remained vacant for most of the year, as requisitions were held up by the Mayor's Office and were not allowed to be filled because of the hiring freeze. During the year, repeated requests were sent to DPH Administration and the Mayor's Office by Bureau staff as well as this Advisory Committee requesting that the program be allowed to fill its vacancies. The development of the FY 93-94 budget for the LOP saw the approval of funding for 2 additional positions for the program.

During FY94-95, all vacancies from the previous year were filled. The MIS Specialist was changed from a 6120 Environmental Health Inspector to meet the MIS needs relating to Toxics. Currently there is one Sr. Industrial Hygienist position vacant due to a leave of absence to accept other employment.

Organizational charts for the Hazardous Materials Program as well as the Bureau of Environmental Health Management are attached to this report as an appendix.

The following staffing matrix represents the staffing level of the Hazardous Materials Program at the end of FY 94-95:

	HM PROG	REGISTRATION	PERMITTING	LOP
SR IND HYGNST (Program Manager)	1		1	
GEOLOGIST				1
SR ENV HLTH INSP	1	2	2.25	2
IND HYGNST		1		
ENV HLTH INSP		2	1	1
ASST IND HYGNST			1	
FIRE INSP			1	
SECTY I	1	1		
SECTY II			1	1
DATA ENTRY OPERATOR		1		

Recommendations:

- Fill the Senior Industrial Hygienist Position.

M. REVENUE AND EXPENSES

The following tables show the income and expenses for the Hazardous Materials Program. It should not be expected that revenue should equal expenses each year. The Hazardous Materials Program is required to verify "Disclaimers" stating that Haz Mat Registration is not required because hazardous materials are not stored in quantities greater than the thresholds. There are no provisions in the HMO to collect fees for this effort and time. Because these businesses do not fall within the scope of the ordinance, we do not recommend that permitting fees on small businesses be increased to cover all of the HMP costs. It is reasonable that the General Fund continue to pay for up to two professional salaries each year for overall safety and a reduction in the use of Hazardous Materials.

ANNUAL INCOME

SOURCE	FY 92-93	FY 93-94	FY 94-95
Private businesses	\$826,507	\$763,403	\$936,825
City Departments	41,296	39,729	4,292
TOTAL	\$867,803	\$803,132	\$941,117

ANNUAL EXPENSES						
	FY 92-93		FY 93-94		FY 94-95	
	ACTUAL	BUDGET	ACTUAL	BUDGET	ACTUAL	BUDGET
Staff Salaries	\$885,954	\$942,428	\$921,200	\$980,000	\$936,397	\$1021,420
Mand. Fringe Benefits	186,050	201,878	193,452	205,800	\$196,643	\$214,498
Mat. & Supplies/Equip.	13,031	38,354	9,367	24,017	\$20,480	\$24,366
TOTAL	\$1,085,035	\$1,182,660	\$1,124,019	\$1,209,817	\$1,153,520	\$1,260,284
Percentage of Actual Revenue to Expenses	79.98%		71.45%		81.6%	

N. BUDGET REQUIRED CONSOLIDATION

As part of the DPH 1994-95 budget process Bill Lee's position as manager of the Bureau of Toxic Health was eliminated and the Bureau was consolidated into the Bureau of Environmental Health Management, which was mainly concerned with consumer protection. At the time the HMAc opposed the consolidation for the following reasons:

- 1) This consolidation did not match the State requirements to consolidate Toxics and Waste. This opposition will be generally mitigated with the application for CUPA.
- 2) Bill Lee was not available for emergency response and this vacancy has not been filled. Additional personnel are being trained.
- 3) There is insufficient funds and interest to properly cross train environmental health inspectors as industrial hygienists. There has been no cross training and any proposal for cross training will be reviewed by the HMAc.
- 4) Concern that there will be insufficient qualified personnel and interest to adequately meet the City's obligations relative to the clean-up of Mission Bay, Hunter's Point, Presidio, and Treasure Island. This problem remains.
- 5) Concern that the aims of the toxic programs will be diluted. We will monitor.

During the past year, the consolidation has helped meet the aims of the HMO by: assisting the Hazardous Materials Program Manager with some personnel management, and accelerating MIS coordination and development.

Recommendations:

Acquire additional developer and/or Redevelopment Agency funds to properly staff and monitor toxic clean-up of Mission Bay, Hunter's Point, Presidio, and Treasure Island.

HAZARDOUS MATERIALS

SUE CONE
MANAGER
6139

SUKIE SCHWARTZ
SECRETARY II
1446

LES LUM
SR. EHI
6122

REGISTRATION

PAM JIN
SR. EHI
6122

GAYLE GOLDEN
SECRETARY II
1446

DELORES JUNIOR
DATA ENTRY
1729

LIZ LEONG
SR. EHI
6122

VIRGINIA ST. JEAN
IND. HYGENIST
6138

JANINE YOUNG
EHI
6120

ROS RAMIREZ
SR. EHI
6122

EDMOND TONG
PUB. HLT. AIDE
9924

PERMITTING

PATRICK FOSDAHL
SR. EHI
6122

SYLVIA PADILLA
SECRETARY I
1444

JIN TANG
EHI
6120

PAULA STEWART
EHI
6120

VACANT
IND. HYGENIST
6138

CYNTHIA WOO
FIRE SAFETY INSP II
6281

VACANT
SR. EHI
6122

L.O.P.

CLERIE MCCAULOU
GEOLOGIST
1372

MARITRESS LOMBOY
SECRETARY I
1444

ALBERT LEE
SR. EHI
6122

STEPHANIE CUSHING
SR. EHI
6122

MAMDOUH AWWAD
EHI
6120

K. BIERMAN-GWINN
PUB. HLT. AIDE
9924

Bureau of Environmental Health Management



APPENDIX C

HAZARDOUS MATERIALS ADVISORY COMMITTEE MEMBERSHIP LIST

NAME	REPRESENTING	MEMBER SINCE
Thomas Bernard	Open Slot	1993
Edward Fowlie	Labor	1993
Frank Donahue	Neighborhood Group	1993
Mark Galbo	Toxicologist	1994
Neil Gendel	Environmental Organization	1988
Alice Glasner	City Planning	1992
Jerry Grey	Fire Department	
Daniel Huff	Public Interest	1993
Aurea Luis-Carnes	Industry	1994
Steven C. Medbery	Department of Public Works	1992
Daniel Phelan	Industry	1988
Barney Popkin	Environmental Organization	1994
Anthony Sacco	Labor	1990
Howard Strassner	Neighborhood Group	1984
VACANT	Mayor's Nomination	
VACANT	Mayor's Nomination	
VACANT	Epidemiologist	
VACANT	Open Slot	
VACANT	Small Business	
VACANT	Public Interest	
VACANT	Health Educator	

APPENDIX D

LIST OF ACRONYMS USED IN THIS REPORT

AHM	Acutely Hazardous Material
AST	Aboveground Storage Tank
CalEPA	California Environmental Protection Agency
CAO	Chief Administrative Officer
CUPA	Certified Unified Program Agency
DPH	Department of Public Health
DTSC	Department of Toxic Substances Control
HHWCF	Household Hazardous Waste Collection Facility
HM	Hazardous Materials
HMAC	Hazardous Materials Advisory Committee
HMO	Hazardous Materials Ordinance
HMP	Hazardous Materials Program
LAC	Local Assessment Committee
LOP	Local Oversight Program
MIS	Management Information Services
RMPP	Risk Management and Prevention Plan
TOP	Tank Operating Permit
TPQ	Threshold Planning Quantities
UST	Underground Storage Tank
VSQG	Very Small Quantity Generator

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HAZARDOUS MATERIALS ADVISORY COMMITTEE
OF THE SAN FRANCISCO BOARD OF SUPERVISORS

ANNUAL REPORT

REPORTING PERIOD: FISCAL YEAR 96-97
(July 1, 1996-June 30, 1997)

April 2, 1998

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HAZARDOUS MATERIALS ADVISORY COMMITTEE ANNUAL REPORT

REPORTING PERIOD: FISCAL YEAR 96-97

SUMMARY OF RECOMMENDATIONS

- A-1. The Committee recommends that the Health Department conduct a periodic review on a 6 month basis to evaluate what percentage of the businesses using or storing hazardous materials are actually registered with the Department and report its results to the committee.
- A-2. The Committee recommends that the Department evaluate whether or not it has a sufficient business outreach program for registrations, make appropriate recommendations and take corrective actions if needed.
- A-3. The Committee recommends that the Health Department conduct a study of inspection records, compliance statistics and hazardous materials release incidents with respect to the current 3-year inspection goal and report its results to the Committee. The Committee recommends that the Department considers amending its inspection goal to once a year.
- A-4. The Committee recommends that the Department provide information including on a web site and workshops to businesses using or storing hazardous materials (non-profits, and city agencies and department and related entities), to encourage the businesses to perform more frequent self-inspections, to take self-corrective actions, and to keep on-site documentation of self-inspections and self-corrective actions.
- B-1. The Committee recommends that the Health Department consider temporary staffing, subcontracting to private contractors or combinations of staffing and contracting, under the oversight of the Department, to meet this increased workload.
- C-1. The Committee recommends that the Department review current program registration and inspection fees and consider increasing them to cover a larger proportion of its expenses.
- D-1. The Committee recommends that the Health Department consider supplementing its current staff with temporary staffing, subcontracting to private contractors or combinations of staffing and contracting, under the oversight of the Department, to meet this increased workload under CUPA, if it finds that cross-training of existing staff is insufficient to meet

1. ASSESSMENT OF MEETING OF RESPONSIBILITIES OF THE DEPARTMENT OF PUBLIC HEALTH'S TOXICS PROGRAMS

A. COMPLIANCE INSPECTIONS

The Health Department has a goal of inspecting registered businesses, including local, state, and federal facilities as well as non-profit organizations, once every 3 years. Regulated Substance (formerly Acutely Hazardous Materials facilities) are inspected every year. The definition of "business" contained in the Health Code and specified in state and federal law includes federal, state and local facilities as well as non-profit organizations. During fiscal year 1996-97, there were 1,977 businesses that were registered under the Hazardous Materials Ordinance. This is an increase of 13 over last year. Due to recent state legislation that eliminated the term "acutely

hazardous materials" and replaced and redefined it as "Regulated Substances", the number of Regulated Substance Facilities is about 13. The significant decrease is due to the redefinition of the term, rather than an actual decrease. The number of Regulated Substance Facilities will continue to fluctuate as the State continues to refine its definition and current legislative stays are lifted.

During FY 96-97, the Health Department staff performed 464 compliance inspections. While this represents a 37% decrease in the number of inspections performed the previous fiscal year, it is nonetheless consistent with the goal that the program set at the beginning of the fiscal year. FY 96-97 was a year of training and preparation to implement the Unified Program Agency. Staff spent several hundred hours in training classes, offered by the State, by private providers, other government agencies or as staff in-service training classes. This training was required in order to meet the training requirements as established by the state.

Recommendations

- A-1. The Committee recommends that the Health Department conduct a periodic review on a 6 month basis to evaluate what percentage of the businesses using or storing hazardous materials are actually registered with the Department and report its results to the committee.
- A-2. The Committee recommends that the Department evaluate whether or not it has a sufficient business outreach program for registrations, make appropriate recommendations and take corrective actions if needed.
- A-3. The Committee recommends that the Health Department conduct a study of inspection records, compliance statistics and hazardous materials release incidents with respect to the current 3-year inspection goal and report its results to the Committee. The Committee recommends that the Department considers amending its inspection goal to once a year.
- A-4. The Committee recommends that the Department provide information including on a web site and workshops to businesses using or storing hazardous materials (non-profits, and city agencies and department and related entities), to encourage the businesses to perform more frequent self-inspections, to take self-corrective actions, and to keep on-site documentation of self-inspections and self-corrective actions.

B. UNDERGROUND STORAGE TANKS (UST)

Typically, UST closures have been driven by the local real estate market. That is, when a property is being transferred and a UST is discovered, it is then removed. At the end of FY 96-97, there were 845 USTs located at 352 sites. During the year, a total of 367 USTs were removed or closed. This represents an average of about 31 USTs per month. Currently there are about 200 USTs in the City that do not meet the 1998 deadline. Many of these are City-owned and are part of the City's plan to be removed.

Recommendations

- B-1. The Committee recommends that the Health Department consider temporary staffing, subcontracting to private contractors or combinations of staffing and contracting, under the oversight of the Department, to meet this increased workload.

C. REVENUE

The revenue to the Health Department during FY 95-96 from Hazardous Materials Program activities was \$918,004. This total revenue represents a ratio of revenue to expenses of approximately 75 percent. One possible reason for the decrease in revenue is the success of the program in encouraging businesses to reduce the amount of hazardous materials stored. Since the inception of the Registration program, the average Certificate of Registration fee has decreased by an average of \$92 for a 2 year certificate. This fee is directly related to the quantity of hazardous materials stored. A decrease in the number of compliance inspections which are billable at the rate of \$85.00 per hour also contributed to the decrease in revenue. Additionally, the number of UST's has decreased by about 20% in the last few years. The UST permit fee is based on the number of USTs present. Another reason for the low ratio of revenue is to expenses is a result of business (and City agency) efforts to reduce the amount of hazardous materials they use and store, thus reducing their HM registration fees. As the program revenue has decreased, program expenses have continued to increase mainly due to the requirements placed on the Department to meet the demands of Memoranda of Understanding between the City and various employee unions that specify salary and benefit increases. Additionally, program registration and inspection fees have not been raised since FY 91-92.

A fee increase has been proposed by the Department and is currently being incorporated into the hazardous materials and waste ordinance amendments being drafted by the City Attorney's Office.

ANNUAL INCOME

SOURCE	FY 92-93	FY 93-94	FY 94-95	FY 95-96	FY 96-97
Private businesses	\$826,507	\$763,403	\$936,825	\$753,416	\$914,041
City Departments	41,296	39,729	4,292	37,027	\$3,963
TOTAL	\$867,803	\$803,132	\$941,117	\$790,443	\$918,004

ANNUAL EXPENSES

	FY 93-94		FY 94-95		FY 95-96		FY 96-97	
	ACTUAL	BUDGET	ACTUAL	BUDGET	ACTUAL	BUDGET	ACTUAL	BUDGET
Staff Salaries	\$921,200	\$980,000	\$936,397	\$1,021,420	\$989,473	\$1,110,371	\$993,048	\$1,147,895
Full Time Equivalents (FTE)	17		17		17		16	
Mandatory Fringe Benefits	193,452	205,800	\$196,643	\$214,498	\$207,789	\$212,674	\$208,540	\$241,058
Materials & Supplies/Equip.	9,367	24,017	\$20,480	\$24,366	\$18,805	\$24,443	\$19,004	\$24,738
TOTAL	\$1,124,019	\$1,209,817	\$1,153,520	\$1,260,284	\$1,216,067	\$1,347,154	\$1,220,592	\$1,413,691
Percentage of Actual Revenue to Expenses	71.45%		81.6%		65.9%		75.2%	

Recommendations

C-1. The Committee recommends that the Department review current program registration and inspection fees and consider increasing them to cover a larger proportion of its expenses

D. CERTIFIED UNIFIED PROGRAM AGENCY (CUPA)

In accordance with State statute, the Department applied for the certification as a Unified Program Agency during FY 95-96. This certification was granted by the Secretary of the California Environmental Protection Agency and became effective on July 1, 1996 (FY 96-97), making the City and County of San Francisco one of the first of two counties in the State to become certified as a CUPA. Once granted status as a CUPA, the Department is authorized to implement and combine seven different environmental programs consisting of hazardous materials business plans (HM registration), hazardous waste generators, hazardous waste treatment, underground storage tanks, aboveground storage tanks, risk management plans for regulated substances (acutely hazardous materials), and Article 80 of the Uniform Fire Code. Article 80 the UFC addresses hazardous materials management plans.

The goal of the Statewide certification program is to consolidate, coordinate and make consistent, to the extent possible, the implementation of these programs throughout the State. The funding for State activities that is required to assure its mandates are carried out will be derived from a State service charge that is assigned to all businesses regulated under any CUPA program element. The amount of the service charge depends on the number and type of specific program elements under which the business is regulated.

Staff of the Hazardous Materials Unified Program Agency (HMUPA) worked with staff of the City Attorney's Office during FY 96-97 to draft a CUPA ordinance. The draft was not completed by the end of the fiscal year as planned. Therefore, staff will be unable to meet its projected work goals and revenues for the next fiscal year. During the reporting period program staff spent considerable time planning for implementation of the HMUPA. This included the drafting of new forms, policies and procedures. Additionally, staff planned for implementation of a "district concept" to be implemented at the beginning of next fiscal year. With this concept, the City will be divided into 8 districts and either 1 or 2 inspectors will be assigned to each district. This should facilitate compliance and provide business owners with a single point of contact for all HMUPA program elements.

Recommendations

- D-1. The Committee recommends that the Health Department consider supplementing its current staff with temporary staffing, subcontracting to private contractors or combinations of staffing and contracting, under the oversight of the Department, to meet this increased workload under CUPA, if it finds that cross-training of existing staff is insufficient to meet

E. LOCAL OVERSIGHT PROGRAM

LOP staff oversee the clean-up of sites contaminated by leaking underground fuel tanks. The program is funded solely by the State Water Resources Control Board. The San Francisco Regional Water Quality Control Board delegates LOP authority to oversee remediation where there is soil and or groundwater contamination. LOP has been granted authority to see that remediation plans are implemented, to educate the public regarding specific projects, and to close cases when the responsible party has satisfied requirements.

	FY 93-94	FY 94-95	FY 95-96	FY 96-97	SINCE BEGINNING OF PROGRAM
Budget	\$450,000	\$450,000	\$450,000	\$470,000	NA
New Cases Added	98	186	196	164	851
Cases Remediated & Closed	64	96	173	262	595
Correspondence/Public Participation	33	57	63	32	186
Clean-up & Abate Orders	3	0	0	0	3
Work Plans Approved	59	121	165	117	508
Memoranda of Findings	9	14	3	4	31
Number of Staff	5	5	5	5	NA

2. HOUSEHOLD HAZARDOUS WASTE FACILITY/ VERY SMALL QUANTITY GENERATOR FACILITY

During FY 96-97, the committee heard a presentation regarding the Facility's application for a Permit by Rule. Subsequently they passed a resolution in support of the application.

3. ADVISORY COMMITTEE LETTERS WRITTEN DURING FISCAL YEAR 95-96

During FY 96-97, the Advisory Committee wrote the following letters concerning hazardous materials policy to the Board of Supervisors, the Health Commission, and/or others, and made supporting presentations to the Board of Supervisors Rules Committee on selected issues.

- Update on HMA activities, to the Board of Supervisors, July 3, 1996
- California coastal issues, to Louis Calcagno, Chairman, California Coastal Commission, July 9, 1996
- Comments on The Sustainability Plan for San Francisco, to Beryl Magilavy, July 29, 1996
- Blair Island issues, to Marianne Conroy, Special Assistant to the Mayor of San Francisco, November 25, 1996
- In support of pesticide ordinance with reservations, to Environmental Commissioner Beryl Magilavy, January 9, 1997
- Update on HMA activities, to the Board of Supervisors, January 22, 1997
- Support of the Permit By Rule to Operate the Household Hazardous Waste Collection Facility, to San Francisco Board of Supervisors, March 6, 1997
- MTBE-an upcoming environmental issue, to Health Commission and Board of Supervisors, May 6, 1997

4. COMMITTEE MEMBERSHIP

Current Committee members are: Steven Medbery (Co-chair), Barney Popkin (Co-chair), Anthony Sacco (Secretary), Thomas Bernard, Catania Galvan, Frank Donahue, Gary Floyd, Edward Fowl, Mark Galbo, Alice Glasner, Susan Glendening, Jerry Grey, Kathryn Hyde, Douglas Kern, Matthew Lintner, Donald Lapin, and Mark Youngkin. There are four vacancies.

5. ADVISORY COMMITTEE ACTIVITIES DURING FISCAL YEAR 96-97

Scheduled Committee meetings included an update on Department of Public Health activities and Hazardous Materials Program report, as well as dealing with routine administrative matters. HMA members have been active in pollution prevention outreach activities at Festival de las Américas, Carnaval, and Cinco de Mayo; Restoration Advisory Board Committee meetings for Hunters Point Shipyard and The Presidio, and the Citizens Advisory Committee on Bayside Alternatives Wastewater; University of California at Berkeley and Davis environmental management extension programs; the San Francisco Planning and Urban Resources Association; the San Francisco Chamber of Commerce Business Roundtable on the Environment; and the World Affairs Council Northern California.

Meetings included discussion of the items noted below.

- | | |
|----------------|--|
| July 1996 | <ul style="list-style-type: none">• Annual report• Open house and site tour of Hunters Point Shipyard |
| August 1996 | <ul style="list-style-type: none">• Port of San Francisco update on Pier 98 wetlands restoration and landfill cleanup• China Basin site investigation• Household Hazardous Waste Management program update• Field trip to the Northpoint Water Pollution Control Plant to observe household hazardous waste collection activity• Site tour of the Pier 98 Port of San Francisco wetlands restoration project• Conference on "How to Run A City at Golden Gate University" |
| September 1996 | <ul style="list-style-type: none">• Poison Control Center• Brownfields• Workshop on sustainable buildings at the San Francisco Public Library |
| October 1996 | <ul style="list-style-type: none">• Poison Control Center funding• U.S. EPA Brownfields issues• Open house at Hunters Point Shipyard• Public meeting on global warming at the California Academy of Sciences |
| November 1996 | <ul style="list-style-type: none">• Hazardous Waste Site Remediation field trip to the Presidio and the San Francisco Airport |
| December 1996 | <ul style="list-style-type: none">• ISO 14000 issues• Presentation on metal background levels in soil and groundwater at |

Hunters Point Shipyard to
American Geophysical Union Fall Annual Meeting in San Francisco

- | | |
|---------------|---|
| January 1997 | <ul style="list-style-type: none">• Field trip to Hunters Point Shipyard to observe a Bay Area Defense Conversion Action Team (BADCAT) cleanup demonstration |
| February 1997 | <ul style="list-style-type: none">• Household Hazardous Waste Collection Facility permit-by-rule |
| March 1997 | <ul style="list-style-type: none">• City's ban on pesticides• Field trip to the Southeast Water Pollution Control Plant to investigate metals removal capabilities and wet-weather upgrades• Field trip to the San Francisco Household Hazardous Waste Collection, Solid Waste Management, and Recycling Facility |
| April 1997 | <ul style="list-style-type: none">• Police Department environmental ordinances/citations• City's resource efficient building workshops• Indoor air quality issues• Green buildings• Follow-up to field trip to Household Hazardous Waste Collection Facility/ Solid Waste Management Transfer Facility/Recycling Facility |
| May 1997 | <ul style="list-style-type: none">• San Francisco Unified School District lead in drinking fountains issues• Golden Gate Park stables issues• Acutely hazardous materials (regulated substances)• SF Solid Waste Management programs for oil pollution prevention• Presented the Annual Report for Fiscal Year 95-96 to the Health Commission |
| June 1997 | <ul style="list-style-type: none">• MTBE in water supplies• Industrial dust in South San Francisco air |

Additionally, members of the HMAC gave out brochures on the Hazardous Materials Unified Program Agency (HMUPA) to businesses in San Francisco. Regional Environmental Resource and Assistance Center (REBRAC) gave out approximately 50 in 1997.

APPENDIX A

Department of Public Health Hazardous Materials Unified Program Agency

STATUS REPORT ON LAST YEAR'S REPORT

- A-1 The Health Department should review its current three-year inspection policy and report its review to the Committee. The Committee recommends that the Department considers amending its inspection goal to once a year.

Many businesses are going into their second three-year inspection cycle. Businesses that present a potentially higher hazard to the public (Regulated Substance facilities) are inspected on an annual basis with fees collected specifically for that purpose. Once we develop an inspection history and a method of tracking violations in the Hazardous Materials data base, then a study such as this can be performed. Current staff emphasis is upon increasing the number of follow-up inspections performed at businesses. These inspections provide a measure of the commitment to compliance by businesses. Businesses that do not demonstrate a strong commitment to continued compliance should be inspected on a more frequent basis. In order to perform more frequent inspections, staffing requirements, both professional and administrative, will need to be evaluated.

- A-2 The Health Department should expand the Hazardous Materials data base to facilitate the above review. Useful additions would include capture of Hazardous Materials inventory information for transmittal to the Fire Department and tracking of violation information to determine degree of compliance by regulated businesses.

The HM Program does not currently have a method of automatically tracking violations identified during inspections. Therefore a review of business compliance history to facilitate the above review of inspection policies would involve a massive manual process. Program staff is currently in the process of data base modifications including accounting, inspections, inventory, and CUPA reporting. Many of these changes have been made necessary in order to comply with CUPA certification requirements. Data base work is currently being performed by MIS staff (accounting module) as well as program staff (inventory, inspections, CUPA reporting). Neither individual currently involved in this project has the time available to devote full time, since the MIS staff supports the entire bureau and HM program staff is responsible for half time field work.

- A-3 The Department should continue to provide information and workshops to businesses using or storing hazardous materials (non-profits, and city agencies and department and related entities including AHM facilities, to encourage the businesses to perform more frequent self-inspections to take self-corrective actions, and to keep on-site documentation of self-inspections and self-corrective actions. Further, it should hire a health educator to expand outreach activities.

Program staff continue to offer work shops and Question and Answer sessions to businesses. Since the overwhelming majority of businesses in the program have been in the program for several years, attendance at the on-going compliance workshops is minimal. A series of three CUPA workshops were held in August. Another UST upgrade workshop is scheduled for the early part of 1998. Self inspection and correction is a requirement for compliance. and the presence of self-inspection reports and corrections is an item reviewed during our inspections. Absence of these reports results in issuance of notice of violation.

B-1 The Health Department should consider temporary staffing, subcontracting to private contractors or combinations of staffing and contracting, under the oversight of the Department, to meet this increased workload (As a result of the approaching 1998 deadline for underground storage tank (UST) upgrades).

There are approximately 825 USTs in the City. Of these, about 570 meet the (December) 1998 requirements. Currently, HM Program work is scheduled such that staff has the capacity to perform at least 560 UST removals per year, as they are scheduled. During workshops, mailings and other communication with businesses, the need to take a proactive approach to meeting the 1998 deadline is stressed. The rate of UST removals has remained fairly steady for the past year at about 30 per month. Therefore, if this rate were to continue, current staff would be able to meet the demand to remove all of the out-of compliance USTs by July 1998, approximately 6 months prior to the deadline. Of course, there will always remain a small number of UST owners who are recalcitrant and who will delay the work until just before the deadline. However, given current staffing levels and projected workload analyses, we do not anticipate the need for additional staff in order to support the UST removal effort.

C-1 The Health Department should review current program registration and inspection fees and consider increasing them to cover a larger proportion of its HM and AHM program expenses.

Fees were adjusted to meet CUPA requirements in the recently approved amendments to the hazardous materials and waste ordinances.

D-1 The health Department should assure that it has sufficient staff resources, particularly, administrative staff to successfully carry out CUPA activities.

A rather extensive work load analysis was required to be performed as part of the application for certification as a CUPA. This analysis demonstrated that adequate field staff existed to implement the program as detailed in the application. Additionally, with the approaching 1998 UST deadline, presumably, more staff time will become available as USTs are removed in an effort to come into compliance. When this is expected to occur will depend on the number of USTs that remain out of compliance as the deadline passes. (More USTs out of compliance will require a greater enforcement effort, and will mean that staff time does not become available until the enforcement actions are substantially complete.)

However, since the CUPA application was drafted, the program has lost one FTE administrative staff. With the implementation of CUPA, the amount of administrative work is expected to increase substantially considering that the current two-year registration cycle will become a one-year cycle. Therefore, rather than having approximately 1000 businesses renewing their registration in any 12 month cycle, there will be about 2000 registrations to renew on an annual basis. Since CUPA requires the consolidation of several programs, these applications will become more comprehensive, since they will include not only information necessary to support HM registration but the other programs as well. This would mean that any given application may take longer to process than it currently does. The exact nature of this time requirement has yet to be determined.

APPENDIX B

ACRONYMS USED IN THIS REPORT

BADCCAT	Bay Area Defense Conversion Action team
CUPA	certified Unified Program Agency
EPA	Environmental Protection Agency
FY	fiscal year
HMAC	Hazardous Materials Advisory Committee
HMUPA	Hazardous Materials Unified Program Agency
LOP	Local Oversight Program
MIS	Management Information Systems
MTBE	Methyl tertiary Butyl Ether
REBRAC	Regional Environmental Resource and Assistance Center
UFC	Uniform fire Code
UST	underground storage tank



City and County of San Francisco

DEPARTMENT OF PUBLIC HEALTH

ENVIRONMENTAL HEALTH MANAGEMENT

Willie L. Brown, Jr., Mayor

Mitchell H. Katz, M.D.

Director of Health

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MEMORANDUM

To: Members of the Hazardous Materials Advisory Committee (HMAC) and Interested Parties

From: Sue Cone, Program Manager

Re: HMAC Annual Report for FY 96-97

The HMAC Annual Report for FY 96-97 was inadvertently left out of the mailing for the meeting of 4/2/98. Approval of the report is an action item on the meeting's agenda.

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1997-98

**HAZARDOUS MATERIALS ADVISORY COMMITTEE
OF THE SAN FRANCISCO BOARD OF SUPERVISORS**

ANNUAL REPORT

**REPORTING PERIOD: FISCAL YEAR 97-98
(July 1, 1997-June 30, 1998)**

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**HAZARDOUS MATERIALS ADVISORY COMMITTEE
OF THE SAN FRANCISCO BOARD OF SUPERVISORS
ANNUAL REPORT
REPORTING PERIOD: FISCAL YEAR 97-98
(July 1, 1997-June 30, 1998)**

SUMMARY OF RECOMMENDATIONS

1-B.1 DPH should review staffing levels and provide resources for additional staff if necessary in order to perform more frequent inspections at businesses with a history of releases or with a location near or adjacent to sensitive receptors, such as the Bay, Ocean, highly populated areas, schools, hospitals, and others as deemed reasonable by the Department.

1-F.1 DPH should review its policy regarding the requirement that the HMUPA be totally fee supported. Raising fees to a level that would make this possible will be an onerous burden for businesses. Further staff reductions to bring revenues more in line with expenses will seriously impact the ability of the program to be protective of public health and the environment.

1. HAZARDOUS MATERIALS UNIFIED PROGRAM AGENCY (HMUPA)

A. CERTIFIED UNIFIED PROGRAM AGENCY (CUPA)

Once granted status as a CUPA, the Department was authorized to implement and combine seven different environmental programs consisting of hazardous materials business plans (HM registration), hazardous waste generators, hazardous waste treatment, underground storage tanks, above ground storage tanks, risk management plans for regulated substances (acutely hazardous materials), and Article 80 of the Uniform Fire Code. Article 80 the UFC addresses hazardous materials management plans.

During the fiscal year, staff of the Hazardous Materials Unified Program Agency (HMUPA) continued to work with staff of the City Attorney's Office to draft a CUPA ordinance. The ordinance was finally signed by the Mayor on October 17, 1997, thus making it effective 30 days later.

This fiscal year was the first year of implementation of the district concept. The city is divided into 8 CUPA districts, roughly by the number of regulated businesses in each. In addition, there are some multi-facility corporations that have requested a single point of contact. These are considered "corporate sites" and are not distributed geographically, but as a group to the inspector. The results of transition to a district concept can not be adequately judged since the staff was operating for an entire half year without a CUPA ordinance. Anecdotally, staff has reported that being assigned to a single geographic section of the city helps them to become familiar with the businesses located there and therefore are more aware if a new business opens or an existing one closes. In anticipation of CUPA implementation, much emphasis was placed upon field screening during this fiscal year with 695 field screenings performed.

During this reporting period, staff from EHMS Management Information Systems (MIS) developed an automated accounting system for the HMUPA. The system, which is integrated into the already-existing data base, allows the automatic printing of routine invoices and the automatic cueing of invoices which are late and therefore subject to late fines and penalties.

The accounts receivable portion of the new system allows the automatic tracking of payments and reporting to the Department's Accounting Division. The automated system is a substantial improvement over the previous manual method of generating invoices.

In January, the HMUPA was audited by a team of auditors from the Department of Toxic Substances Control, the State Water Resources Control Board, and the State Office of Emergency Services. As part of the CUPA program, audits such as this are required to be performed every three years. Since the City and County of San Francisco was one of the first CUPAs certified, participation in this early audit, as part of a pilot project was optional. HMUPA staff agreed to participate in the audit so that they would have some voice in shaping future audit procedures, so that the audits would be fair and effective. A draft audit report was received by the Department and a response was prepared and returned to be included as part of the final audit report, which has yet to be received. Overall, the auditors were pleased with the progress toward consolidating the CUPA program elements. They were particularly impressed with staff procedures and performance during an on-site inspection at a regulated facility. In the draft report, one major deficiency was identified, however. This was the failure to collect the state service charges for the period July 1, 1997 through December 31, 1998. The reason service charges were not collected for this period was the lack of a valid CUPA ordinance which allowed their collection locally. This issue has yet to be resolved with Cal EPA.

B. COMPLIANCE INSPECTIONS

The Health Department has a goal of inspecting registered businesses, including local, state, and federal facilities as well as non-profit organizations, once every 3 years. Regulated Substance facilities are inspected every year. The definition of "business" contained in the Health Code and specified in state and federal law includes federal, state and local facilities as well as non-profit organizations. During fiscal year 1997-98, there were 2059 businesses that were registered under the Hazardous Materials Ordinance. This is an increase of 82 over last year. The number of Regulated Substance Facilities remains at about 16. The number of Regulated Substance Facilities will continue to fluctuate as the State continues to refine its definition and current legislative stays are lifted. With the implementation of all Certified Unified Program Agency (CUPA) program elements, the total number of regulated businesses is 2106. This includes 47 hazardous waste generators that do not store hazardous materials in quantities sufficient to require registration.

During FY 97-98, the Health Department staff performed 667 compliance inspections. This represents a 44% increase in the number of inspections performed the previous fiscal year. Originally, staff hoped to have the CUPA ordinance finalized by the beginning of the fiscal year. However, unforeseen delays in the City Attorney's Office resulted in a later approval for the needed amendments to begin CUPA implementation.

Recommendations

1-B.1 DPH should review staffing levels and provide resources for additional staff if necessary in order to perform more frequent inspections at businesses with a history of releases or with a location near or adjacent to sensitive receptors, such as the Bay, Ocean, highly populated areas, schools, hospitals, and others as deemed reasonable by the Department.

C. UNDERGROUND STORAGE TANKS (UST)

Typically, UST closures have been driven by the local real estate market. That is, when a property is being transferred and a UST is discovered, it is then removed. At the end of FY 96-97, there were 771 USTs located at 313 sites. During the year, a total of 356 USTs were removed or closed. This represents an average of about 30 USTs per month. Currently there are about 200 USTs in the City that do not meet the December 1998 upgrade deadline. Briefly, the upgrade requirements include several conditions such as double wall construction, overfill and leak prevention. By the end of the fiscal year, staff had received required upgrade compliance stickers and fill pipe tags to be distributed to all compliant UST facilities prior to the December deadline. After January 1, 1999 petroleum deliveries to non-compliant USTs will be prohibited. Delivery drivers will need to see the compliance sticker prior to making a delivery.

During the 1997-98 Fiscal Year, the Directors of all city departments which operate underground storage tanks were sent a letter from the Director of Public Health urging them to upgrade their tanks by 12/22/98. In addition to this notification, the HMUPA staff conducted a second underground storage tank upgrade workshop in February. The HMUPA staff has continued to work very closely with members of the Department of Public Works Bureau of Construction Management (DPW/BCM) on upgrading city owned tanks. There were approximately 14 city owned tanks permanently closed during the past Fiscal Year. There are currently 17 city sites (41 tanks) which are in compliance with the 1998 upgrade requirements and 23 city facilities (42 tanks) which are not in compliance. The DPW/BCM currently has 30 city tank sites which are under active upgrade contracts and construction has begun on 18 of these sites.

D. REGULATED SUBSTANCES

This year was the first year of implementation of the State's new Regulated Substance program, which requires the preparation of a Risk Management Plan (RMP). The state has yet to make final their list of chemicals and threshold quantities. During the year, staff worked with the University of California San Francisco to prepare an RMP for an underground storage tank that contains ammonia. This tank is a component of the new Central Utilities Plant that has been built by the university at their Parnassus campus. During the RMP process, there were several community hearings and a high level of community involvement. The RMP was conditionally accepted as complete in December with final conditions being satisfied by the end of the year.

E. HAZARDOUS WASTE

The Hazardous Waste Generator and Hazardous Waste Treatment program elements are two new program elements that were implemented during this past fiscal year as result of certification as a CUPA. By the end of the fiscal year approximately 900 hazardous waste generators had been identified. This number most likely represents about half of the hazardous waste generators that are present in the City. Staff field screening activities during the next fiscal year will be focused upon identification of yet unidentified generators. Most of these will fall into the category called "Minimum Quantity Generators" (MQG) since they generate only a small quantity of hazardous waste and they do not store a sufficient quantity of hazardous materials to require registration. The fee for these MQGs is \$30 per year. Because, like all regulated businesses, MQGs require triennial inspections, this fee is not sufficient to cover the full cost of program implementation for them.

F. REVENUE

The revenue to the Health Department during FY 97-98 from Hazardous Materials Program activities was \$790,405. This total revenue represents a ratio of revenue to expenses of approximately 59 percent. The major reason for the decrease in revenue is the delay in CUPA implementation due to the absence of an approved ordinance amendment. The amendment was finally effective on November 17, 1997, almost six months behind schedule. With the transition from a two year cycle to a one year payment cycle, the full effects of the fee increase with the implementation of CUPA will not be evidenced until January of 2000.

A fee increase has been proposed by the Department and is currently being incorporated into the hazardous materials and waste ordinance amendments being drafted by the City Attorney's Office.

ANNUAL INCOME

SOURCE	FY 93-94	FY 94-95	FY 95-96	FY 96-97	FY 97-98
Private Businesses	\$763,403	\$936,825	\$753,416	\$914,041	\$790,405
City Departments	39,729	4,292	37,027	\$3,963	Not Tracked Separately
TOTAL	\$803,132	\$941,117	\$790,443	\$918,004	\$790,405

ANNUAL EXPENSES

	FY 94-95		FY 95-96		FY 96-97			
	ACTUAL	BUDGET	ACTUAL	BUDGET	ACTUAL	BUDGET	ACTUAL	BUDGET
Staff Salaries	\$936,397	\$1,021,420	\$989,473	\$1,110,371	\$993,048	\$1,147,895	\$989,685	\$1,198,000
Full Time Equivalents (FTE)	17		17		16		16	
Mandatory Fringe Benefits	\$196,643	\$214,498	\$207,789	\$212,674	\$208,540	\$241,058	\$207,833	\$251,000
Materials & Supplies/Equip.	\$20,480	\$24,366	\$18,805	\$24,443	\$19,004	\$24,738	\$17,659	\$25,000
TOTAL	\$1,153,520	\$1,260,284	\$1,216,067	\$1,347,154	\$1,220,592	\$1,413,691	\$1,215,177	\$1,474,000
Percentage of Actual Revenue to Expenses	81.6%		65.9%		75.2%		65.0%	

Recommendations

1-F.1 DPH should review its policy regarding the requirement that the HMUPA be totally fee supported. Raising fees to a level that would make this possible will be an onerous burden for businesses. Further staff reductions to bring revenues more in line with expenses will seriously impact the ability of the program to be protective of public health and the environment.

G. LOCAL OVERSIGHT PROGRAM

LOP staff oversee the clean-up of sites contaminated by leaking underground fuel tanks. The program is funded solely by the State Water Resources Control Board. The San Francisco Regional Water Quality Control Board delegates LOP authority to oversee remediation where there is soil and or groundwater contamination. LOP has been granted authority to see that

remediation plans are implemented, to educate the public regarding specific projects, and to close cases when the responsible party has satisfied requirements.

	FY 93-94	FY 94-95	FY 95-96	FY 96-97	FY 97-98	SINCE BEGINNING OF PROGRAM
Budget	\$450,000	\$450,000	\$450,000	\$470,000	\$475,000	NA
New Cases Added	98	186	196	164	159	1010
Cases Remediated & Closed	64	96	173	262	143	703
Correspondence/Public Participation	33	57	63	32	47	233
Clean-up & Abate Orders	3	0	0	0	1	4
Work Plans Approved	59	121	165	117	80	588
Memoranda of Findings	9	14	3	4	2	33
Number of Staff	5	5	5	5	5	NA

2. HOUSEHOLD HAZARDOUS WASTE FACILITY/ VERY SMALL QUANTITY GENERATOR FACILITY

The San Francisco Household Hazardous Waste Collection Facility (HHWCF) celebrated its 10 Year Anniversary in April. Invitees included members of the Hazardous Materials Advisory Committee, the SF Health Department, Board of Supervisors, the Mayor, the Solid Waste Management Program and residents of Little Hollywood who are active in the community. Norcal sponsored the event at Sanitary Fill Company.

Over the 10 year period, the HHWCF has accepted waste from 93,068 San Francisco residents and collected over six million pounds of hazardous waste. During fiscal year 1998, the facility served 12,048 residents and collected 831,931 pounds of hazardous waste.

The Solid Waste Management Program (SWMP) supplements HHWCF operations by collecting latex paint and household batteries from various collection points, primarily hardware stores. SWMP also assists more than 50 used oil collection centers to ensure that they continue to accept used oil from the public. Finally, the SWMP operates a door-to-door hazardous waste collection service for the elderly and handicapped residents, available by appointment. Information about these programs can be obtained by calling 554-1675 or 554-1648.

3. COMMITTEE MEMBERS and RESPONSIBILITIES

Current Committee members are: Steven Medbery (Co-chair), Barney Popkin (Co-chair), Anthony Sacco (Secretary), Gary Floyd, Mark Galbo, Catania Galván, Alice Glasner, Jerry Grey, Kathryn Hyde, Doug Kern, Donald J Lapin, Matthew Lintner, Ross Tibbits, William R. Wilson, Mark Youngkin.

The roles and responsibilities of the Hazardous Materials Advisory Committee are outlined in San Francisco Health Code Sections 1103, 1103.1 and 1103.2. These sections are reproduced in Appendix B of this report.

4. ADVISORY COMMITTEE LETTERS WRITTEN DURING FISCAL YEAR 97-98

During FY 97-98, the Advisory Committee wrote the following letters concerning hazardous materials policy to the Board of Supervisors, the Health Commission, and/or others, and made supporting presentations to the Board of Supervisors Rules Committee on selected issues as follows:

August 7, 1997 To Lucien G. Canton, Director, Mayor's Office of Emergency Services, City and County of San Francisco, concerning Hazardous Materials Advisory Committee Meeting and OMS Tour

August 7, 1997 To Board of Supervisors, City and County of San Francisco, concerning Support of the Hazardous Materials Ordinance/ Hazardous Waste Ordinance-Certified Unified Program Agency (CUPA) Amendments to the San Francisco Health Code, Articles 21 and 22 as revised August 5, 1997

October 15, 1997 To Francesca Vietor, President, Commission on the Environment, City and County of San Francisco, concerning Hunters Point Shipyard Redevelopment Plan, July 14, 1997

November 6, 1997 To Harry J. Quinn, Assistant Director of Property, Real Estate Department, City and County of San Francisco and Marvin Yee, Landscape Architect/Project Manager, San Francisco Recreation and Park Department, City and County of San Francisco, concerning their Presentation on Park Projects to the HMAC

November 6, 1997 To Jim Brehmer, MIS Coordinator, Bureau of Environmental Health Management, City and County of San Francisco, Department of Public Health, concerning his Presentation on BEHM MIS to the HMAC

December 7, 1997 To Jack Breslin, REHS, MPA, Assistant Director, Bureau of Environmental Health Management, City and County of San Francisco, Department of Public Health; Christine Arnesen, RN, MPH, Chief, Community Relations and Education Sections, State of California Department of Health Services, Environmental Health Investigations Branch; Keith Nakatani, Program Director, Save San Francisco Bay Association; Mike Thomas, Community for a Better Environment, SAFER, and Kenneth K. Sato, R.E.H.S., Principal, Environmental Health Inspector, Bureau of Environmental Health Management, City and County of San Francisco, Department of Public Health concerning their issues and Presentations on Bay Fish Warning Signs Presentation to the HMAC

January 19, 1998 To Dr. Douglas S. Lipton, Ph.D., Principal Scientist, Levine-Fricke -Recon Engineers, Hydrogeologists and Applied Scientists, concerning his Presentation on Bay Sediment and Remediation Technologies to the HMAC

February 7, 1998 To Pamela Leong Jin, R.E.H.S., Senior Environmental Health Inspector, Hazardous Materials Unified Program Agency, Environmental Health Management Section, Department of Public Health City and County of San Francisco, concerning her Presentation on Department Activities to the HMAC

February 7, 1998 To Claire Trombadore and Sheryl Lauth, U.S. EPA, Federal Facilities Cleanup Office, San Francisco; Chein Kao, Cal/EPA-DTSC, Berkeley; Ryan Brooks, Director of Community Relations, EFA-West, San Bruno, concerning their Presentation on Hunters Point Naval Shipyard to the HMAC

March 17, 1998 To Assemblymembers Kevin Shelly and Carole Midgen, California Legislature, and President Pro Temp John Burton, California State Senate, Sacramento, concerning state budget for the Marine Pollution Prevention Project and water-quality improvements at San Francisco's Fisherman's Wharf

May 7, 1998 To Beryl Magilavy, Director, Department of the Environment, City and County of San Francisco, concerning her Presentation on an Update on the Department of the Environment and on the City's Integrated Pesticide Management Program to the HMAC

May 7, 1998 To Nader Shatara, Environmental Coordinator, Bureau of Environmental Health Management, City and County of San Francisco, Department of Public Health, concerning his Presentation on "Environmental Health Conditions in Palestine" to the recent AES Conference

May 7, 1998 To Melvin Seid, Environmental Coordinator, Bureau of Environmental Health Management, City and County of San Francisco, Department of Public Health, concerning his Presentation on "Environmental Health - the Hong Kong Way" to the recent AES Conference

May 7, 1998 To Johnson Ojo, Environmental Coordinator, Bureau of Environmental Health Management, City and County of San Francisco, Department of Public Health, concerning his Presentation on "San Francisco Housing Program" to the recent AES Conference

May 7, 1998 To Lawrence Pong, Environmental Coordinator, Bureau of Environmental Health Management, City and County of San Francisco, Department of Public Health, concerning his Presentation on "Facility HACCP Plans" to the recent AES Conference

May 7, 1998 To Eileen Shields, Environmental Coordinator, Bureau of Environmental Health Management, City and County of San Francisco, Department of Public Health, concerning her Presentation on "Special Media Presentation" to the recent AES Conference

May 11, 1998 To Carolyn Merchant, Green and Gold Conference, Environmental Science, Policy and Management, University of California, Berkeley, concerning registration and HMAC pollution prevention exhibit in the Green and Gold Conference/ California Environmental History

June 26, 1998 To Roberta Jones, Manager, Environmental Health and Safety Section, Port of San Francisco, Ferry Building, concerning dumping at Fisherman's Wharf and the role of the San Francisco Department of Public Health, Bureau of Environmental Health Services

June 4, 1998 To Alex Dong, Program Director, Hazardous Waste Management Program, City and County of San Francisco, concerning Presentation on City Pollution Prevention Activities to the HMAC

5. PLANNED ADVISORY COMMITTEE ACTIVITIES for FISCAL YEAR 98-99

The Committee anticipates devoting significant efforts over the next year towards a comprehensive evaluation of the various health risks facing San Francisco citizens because of the existence of hazardous materials in the environment. This effort will include an evaluation of hazardous materials exposures from a variety of sources and will be aimed in large part at developing a more complete understanding of the hazardous materials risks citizens of the City face. An important component of this effort will be an attempt to evaluate the relative health risks posed by various hazardous materials exposures. The Committee anticipates that such an evaluation would serve both the Board of Supervisors, in its continuing efforts to minimize health risks to the citizens of San Francisco, and the citizens of San Francisco themselves, by improving the level of public understanding about such risks.

APPENDIX A

ACRONYMS USED IN THIS REPORT

BEHM	Bureau of Environmental Health Management
CUPA	Certified Unified Program Agency
DPW/BCM	Department of Public Works/Bureau of Construction Management
EHMS	Environmental Health Management Section
EPA	Environmental Protection Agency
FY	Fiscal Year
FTE	Full Time Equivalent
HHWCF	Household Hazardous Waste Collection Facility
HMAC	Hazardous Materials Advisory Committee
HMUPA	Hazardous Materials Unified Program Agency
LOP	Local Oversight Program
MIS	Management Information Systems
MQG	Minimal Quantity Generator
RMP	Risk Management Plan
SWMP	Solid Waste Management Program
UFC	Uniform Fire Code
UST	Underground Storage Tank

APPENDIX B

SAN FRANCISCO HEALTH CODE ARTICLE 21

SEC. 1103. HAZARDOUS MATERIALS ADVISORY COMMITTEE. (a) There shall be established a Hazardous Materials Advisory Committee (hereinafter "Advisory Committee") of the City and County of San Francisco.

(b) The Advisory Committee shall consist of 21 members appointed by the Board of Supervisors. The members shall consist of representatives from each of the following categories:

- 1 representative from small business;
 - 2 representatives from industry;
 - 1 toxicologist;
 - 1 epidemiologist;
 - 1 health educator;
 - 2 representatives from neighborhood associations;
 - 2 representatives from environmental organizations;
 - 2 representatives from labor;
 - 2 representatives from public interest organizations;
 - 1 representative from the San Francisco Fire Department;
 - 1 representative from the Public Utilities Commission
- who is responsible for administration of the City's Industrial Waste Ordinance;
- 1 representative from the Department of City Planning;
 - 2 representatives nominated by the Mayor;
 - 2 open slots.

(c) The Director of Health shall attend all meetings of the Advisory Committee.

SEC. 1103.1. ORGANIZATION AND TERMS OF OFFICE. (a) The term of each member of the Advisory Committee shall be four years; provided, however, that the members first appointed shall, by lot, classify their terms so five members shall serve a one-year term, five members shall serve a two-year term, five members shall serve a three-year term, and six members shall serve a four-year term.

(b) In the event a vacancy occurs during the term of office of any member, a successor shall be appointed to complete the unexpired term of the office vacated in a manner similar to that for the initial member.

(c) At the initial meeting of the Advisory Committee, and yearly thereafter, the Advisory Committee members shall select such officers as deemed necessary by the Advisory Committee.

(d) The Advisory Committee shall establish rules and regulations for its own organization and procedure and shall meet when necessary as determined by the Advisory Committee. All meetings shall, except as provided by general ordinance, be open to the public. (Added by Ord. 164-92, App. 6/10/92)

SEC. 1103.2. POWERS AND DUTIES. The Advisory Committee shall have the power and duty to:

- (a) Set up subcommittees as necessary;

(b) Review and comment on departmental plans and make recommendations to the Director of Health and Health Commission, on the following topics:

- (1) Registration and permit process;
- (2) Underground storage;
- (3) Abandoned sites;
- (4) Chemical hazards at home; and
- (5) Outreach to, and education of, the public about hazardous materials.

(c) Advise the Director of Health on ways to coordinate the actions of the City and County of San Francisco with all state and federal laws and agencies regulating hazardous materials.

(d) Monitor, survey and maintain information regarding the number of applications for hazardous materials certificates of registration and permits to operate a hazardous materials storage facility not acted upon and the length of time they have been outstanding.

(e) Submit annual written reports to the Health Commission and to the Board of Supervisors.

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City and County of San Francisco
DEPARTMENT OF PUBLIC HEALTH

Willie L. Brown, Jr., Mayor
Mitchell H. Katz, M.D.
Director of Health

ENVIRONMENTAL HEALTH MANAGEMENT

HAZARDOUS MATERIALS ADVISORY COMMITTEE

ANNUAL REPORT FY98-99

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San Francisco Hazardous Materials Advisory Committee (SFHMAC)

ANNUAL REPORT

For the Period from July 1, 1998 to June 30, 1999

Meetings were held at 8:30 am on the first Thursday of each month (except for July, when no meeting was held.) Meetings were located at Department of Public Health, 101 Grove Street, Room 302. Meeting minutes, agendas and committee member attendance can be found at the SFHMAC website located at: http://www.dph.sf.ca.us/ehs/Toxics/HMAC%20mtngs/HMAC_index.htm

The Committee heard presentations and discussed the following issues during the reporting period:

- Discussion of Water Delivery System and Reliability Issues
- District Attorney's Environmental Crimes Unit
- Hazardous Materials/Wastes as Human Health Factors
- Legal Access to Federal Enclaves
- Comparative Risk Factors
- DPH GIS systems update
- Disaster Training
- Battery Production Facility Clean-up
- California Environmental Quality Act (CEQA)
- Prioritization of Risk Factor categories
- Topics and Issues for incorporation into SFHMAC website
- Resolution Supporting DPH enforcement efforts for non-compliant underground storage tank owners
- New emerging topics such as disaster response plans
- Demonstration of various environmental websites
- Environmental terrorism and city agency preparedness SFFD Hazardous Materials Team and the Metropolitan Medical Task Force (MMTF)

The Committee took the following actions during the reporting period:

- The HMAc approved the HMUPA Fee Schedule 1-7-99
- The HMAc approved the Annual Report (July 1, 1997-June 30, 1998) 1-7-99
- Approved Resolution Supporting DPH Enforcement Efforts for Non-Compliant Underground Storage Tank Owner 4-1-99
- Elected a new co-chair 4-1-99 to replace former co-chair who resigned 12-3-98

The Committee achieved 5 quorums out of 11 meetings on the following dates:

8-6-98

10-1-98

1-7-99

4-1-99

5-6-99

HMUPA PROGRAM OVERVIEW

Fiscal Year 98-99 was a pivotal year for the Hazardous Materials Unified Program Agency (HMUPA). During the first quarter, Department of Public Health fiscal staff undertook a detailed revenue review of the program. This review showed that the program was falling far short of its revenue goals which included the mandate that the program be 100% fee supported.

The prior fee amendment to the Health Code had been approved two years previously but had been a re-structuring to accommodate Certified Unified Program Agency (CUPA) requirements more than an actual fee increase. In order to fulfill mandated revenue goals, the department eliminated the following HMUPA positions:

- 1 Public Health technician (This individual was functioning as a full inspector.)
- 1 Senior Environmental Health Inspector
- 1 Secretary
- 0.5 Fire Inspector

Loss of these positions proved to have a significant negative impact upon the program. Some of the impacts included:

- ▶ Reduction in the number of routine inspections
- ▶ Reduction in the number of days staff is available to perform underground storage tank (UST) removal oversight from five per week to three.
- ▶ Increase in the amount of administrative work performed by technical staff.
- ▶ Decrease in the technical review of routine applications that are submitted.

Even with the above adjustments to staffing, it became clear that a substantial HMUPA fee increase would be necessary so that the program could become fully fee supported. Collaboration with the City Attorney's Office resulted in a fee amendment that was signed by the Mayor on June 11, 1999. Significantly, this was the first time in the history of the program that a fee amendment included automatic fee increases. The new amendment detailed fee increases for each of four consecutive fiscal years. While the increases were significant, they were structured so that businesses that store lower quantities of hazardous materials or generate lower amounts of hazardous waste experienced smaller increases. In fact, some smaller businesses even saw their routine fees decrease.

Despite the significant program losses detailed above, there were several noteworthy program accomplishments. These include the following:

1998 UST Upgrade Deadline – December 22, 1998 was the date that had been established ten years earlier as the deadline for all single walled underground storage tanks to be upgraded to double wall construction. During the first half of this reporting period, staff spent the majority of their time working with UST

owners and operators in their districts to bring them into compliance with this significant deadline. This work paid off, with San Francisco seeing one of the highest compliance rates in the state. Finally, by March 1, 1999, staff commenced with enforcement actions against ten UST sites that remained out of compliance. HMUPA proposed violation settlement offers to these UST owners. All offers except one were accepted. The one remaining was issued a final administrative civil complaint order and eventually settled the matter for \$35,000. The total amount of settlement monies that were recovered as a result of this endeavor was \$184,600. In February of 1999, the Health Commission, as part of its employee recognition program, recognized the HMUPA staff for their effort on this project.

Formal enforcement – In addition to the 1998 UST upgrade enforcement efforts, it is significant that during this fiscal year HMUPA undertook its first formal enforcement action against a business for other issues. This case resulted in a final settlement, prior to the issuance of a final administrative civil complaint order, of \$36,900. During this reporting period, program staff continued to refine its enforcement program. The goal was to institutionalize and streamline it as much as possible. HMUPA staff was greatly aided in this effort by staff of the City Attorney's Office.

Routine Work – Despite the amount of work expended to bring UST facilities into compliance with the upgrade deadline, staff also accomplished a significant amount of unrelated routine work, including the following:

		See note:
Routine Compliance Inspections	675	a
Follow-Up Compliance Inspections	180	b
Complaint Investigations	42	c
Field Screenings	909	d
Disclaimer Investigations	134	e
New Business sites	205	f
Sites placed Out of Business	455	g
Sites Moved	96	h
Sites Reduced	27	i

- a. Routine compliance inspections are planned program inspections during which all included program elements are inspected. Businesses are required to be inspected at least once every 3 years.
- b. Follow-Up Inspections are performed following routine inspections to verify compliance with outstanding violations.
- c. Complaints may be referred from other agencies or directly from the public.

- d. Field Screenings involve a brief visit to a site that is potentially regulated in the HMUPA program solely for the purpose of determining compliance requirements.
- e. Disclaimer verifications are performed after a business has submitted a "Disclaimer" indicating that they are not regulated in any HMUPA program element. Approximately 25% of all disclaimers received are invalid.
- f. This is the total of new business sites that were created in the database during the reporting period.
- g. A facility status of "Out of Business" indicates that the business has ceased to operate within the City and County of San Francisco.
- h. A business status of "moved" indicates that the business relocated somewhere in the City and was subsequently captured as a "new business site".
- i. A facility status of "reduced" indicates that at one time, the business stored sufficient quantities of hazardous materials to be regulated in the program but has subsequently reduced the amount stored.



City and County of San Francisco
DEPARTMENT OF PUBLIC HEALTH

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ENVIRONMENTAL HEALTH MANAGEMENT

HAZARDOUS MATERIALS ADVISORY COMMITTEE

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San Francisco Hazardous Materials Advisory Committee (SFHMAC)

ANNUAL REPORT

For the Period from July 1, 1999 to June 30, 2000

Meetings were held at 8:30 am on the first Thursday of each month (except for July, when no meeting was held.) Meetings were located at Department of Public Health, 101 Grove Street, Room 302. Meeting minutes, agendas and committee member attendance can be found at the SFHMAC website located at:

http://www.dph.sf.ca.us/ehs/Toxics/HMAC%20mtngs/HMAC_index.htm

The Committee achieved 1 quorum out of 11 meetings on the following date: 6-1-00. Recognizing the difficulty in achieving a quorum, the Committee sought to reduce its required membership to fill its existing vacancies and increased its recruitment efforts.

The Committee heard presentations and discussed the following issues during the reporting period:

- NERT "Neighborhood Emergency Response Team" activities
- Discussion and Development of HMAc Website.
- Discussion and Vote on Revision to Committee By-Laws
- Status of the Smoking Ordinance
- Current City and County Solid Waste Programs
- Y2K Hazardous Materials Project
- Presentation on the Presidio Trust
- Discussion on Modification of HMAc Ordinance, beginning 11/99
- Discussion on Committee Attendance for the Last Year
- Discussion of HMAc Goals for Year 2000
- Review and submittal of Health Commission Resolution acknowledging service of co-chair, Barney Popkin
- Presentation on PG & E's Y2K Program
- Presentation on New, Revised Sunshine Ordinance and its Impact on the Proceedings of the HMAc
- Update on Groundwater Protection Plan
- Update on Report of Hetch Hetchy's Infrastructure
- Supervisor Leno's Mercury Thermometer Ordinance
- Report on Impact of Diesel Fuel on Air Quality
- Discussion on Lead Clean-up of Firing Range
- Presentations on Water Supply Issues and Programs including representatives from PUC, EHS-Water Quality, and EHS-LOP

The Committee took the following actions during the reporting period:

- Submitted request to DPH to revise SFHMAC ordinance, reducing membership from twenty-one to fourteen members and reducing quorum requirements from eleven down to eight members.
- Ordinance 42-00, revising the size of the SFHMAC, approved by Board of Supervisors, March 13, 2000, ordinance signed by Mayor, March 24, 2000.
- Adopted Committee Goals for Year 2000-2001. (Attachment A of this report)
- Adopted revised SFHMAC By-Laws, consistent with SF Charter and revised ordinance.
- Responded to the Grand Jury "Neglect of Reporting Requirements" Report by letter.
- Developed HMAP Website.

HMUPA PROGRAM OVERVIEW

Fiscal Year 99-00 was another year during which program staff were diverted to a large extent, to other special projects, most notably preparation for Y2K.

Significant personnel changes occurred as well, with the filling of the previously lost secretary position. While this staff addition will eventually result in program improvements, the position was filled late in the year and consequently significant improvements will not be apparent until the next fiscal year.

During the current reporting period, staff worked closely with staff of the City Attorney's Office to refine HMUPA enforcement procedures, thus facilitating the enforcement process and assuring that program implementation was equitable for all regulated businesses.

Significant program accomplishments during the year included the following:

Y2K –

The Y2K San Francisco Hazardous Materials Project assessed the readiness of hazardous materials handlers for the turn of the millennium. It consisted of three phases, including 1.) Triage; 2.) Assessment; and 3.) Follow-Up. HMUPA was awarded a grant by the Governor's Office of Emergency Services to fund this work. The grant amount totaled approximately \$22,600. Early project triage identified 1897 regulated businesses that posed a potential threat of hazardous materials release at the turn of the millennium. Of these, 69 were included in the highest risk tier.

Staff performed diligent follow-up activities with these businesses including telephone contact and on-site evaluations and assessments. There were no reported hazardous materials related problems on 1/1/00 in San Francisco.

Revenue Collection – The previous year's fee increase is evident in this year's revenues which totaled in excess of \$1.6 million. This figure represented approximately a 98% cost recovery rate.

Formal Enforcement

During this fiscal year seven cases resulted in settlements of approximately \$100,000. Additionally, two cases were not settled and Director's Hearings were scheduled, These two cases resulted in an additional \$100,000 in outstanding penalty amounts.

Routine Work – Despite the amount of work expended on the Y2K project, staff also accomplished a significant amount of unrelated routine work, including the following:

		See note:
Routine Compliance Inspections	519	a
Follow-Up Compliance Inspections	144	b
Complaint Investigations	47	c
Field Screenings	902	d
Disclaimer Investigations	146	e
New Business sites	215	f
Sites placed Out of Business	487	g
Sites Moved	85	h
Sites Reduced	35	i
USTs Removed/Closed	336	

- a. Routine compliance inspections are planned program inspections during which all included program elements are inspected. Businesses are required to be inspected at least once every 3 years.
- b. Follow-Up Inspections are performed following routine inspections to verify compliance with outstanding violations.
- c. Complaints may be referred from other agencies or directly from the public.
- d. Field Screenings involve a brief visit to a site that is potentially regulated in the HMUPA program solely for the purpose of determining compliance requirements.
- e. Disclaimer verifications are performed after a business has submitted a "Disclaimer" indicating that they are not regulated in any HMUPA program element. Approximately 25% of all disclaimers received are invalid.
- f. This is the total of new business sites that were created in the database during the reporting period.
- g. A facility status of "Out of Business" indicates that the business has ceased to operate within the City and County of San Francisco.
- h. A business status of "moved" indicates that the business relocated somewhere in the City and was subsequently captured as a "new business site".

- i. A facility status of "reduced" indicates that at one time, the business stored sufficient quantities of hazardous materials to be regulated in the program but has subsequently reduced the amount stored.

HAZARDOUS MATERIALS ADVISORY COMMITTEE
CITY AND COUNTY OF SAN FRANCISCO
RESOLUTION

COMMITTEE GOALS FOR YEAR 2000-2001

WHEREAS, The Hazardous Materials Advisory Committee (HMAC) seeks to provide ongoing, meaningful advice and assistance to the Department of Public Health (DPH) into year 2000 and beyond; and

WHEREAS, the HMAC has identified several specific procedural and content goals for the year 2000; now therefore,

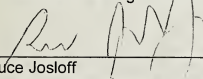
BE IT RESOLVED THAT the HMAC has reached consensus on the following procedural goals:

- 1) Modify HMAC Ordinance to facilitate a quorum;
- 2) Modify Bylaws to be commensurate with San Francisco Charter;
- 3) Modify Bylaws to facilitate attendance and quorum requirements; and

BE IT FURTHER RESOLVED THAT the HMAC has reached consensus on the following content goals:

- 1) Advise the Director of Health on ways to coordinate the actions of the City and County of San Francisco with all State and federal laws and agencies regulating hazardous materials
- 2) Encourage public awareness and education on preventing hazardous materials releases from residences and businesses to the environment, San Francisco Bay and groundwater resources;
- 3) Identify and recommend methods for easier public disposal of household hazardous waste.
- 4) Identify and initiate a review of existing city agency programs that inventory abandoned and potentially hazardous sites within San Francisco;
- 5) Develop abandoned site evaluation criteria, prioritize abandoned sites where possible and propose recommendations to the DPH for action, if warranted;
- 6) Continue to develop and improve the HMAC website;
- 7) Develop criteria for an "Excellence" or "Green" award for environmentally conscious, registered businesses, city agencies and individuals;
- 8) In cooperation with other appropriate agencies such as the Regional Water Quality Control Board, identify potential stormwater runoff problems from hazardous materials that may be adversely affecting San Francisco Bay and make recommendations to the DPH;
- 9) Identify and recommend to DPH the means by which the City might have a positive influence on regional air quality, through the actions, policies, and/or regulations of its various agencies.

I hereby certify that the foregoing resolution was adopted by the Hazardous Materials Advisory Committee at its meeting of Thursday, June 1, 2000



Mr. Bruce Josloff
Secretary to the Hazardous Materials Advisory Committee



